

Memorandum

Florida Department of Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: William Kutash, Waste Program Administrator

THROUGH: James Dregne, Hazardous Waste Program Manager
Elizabeth Knauss, HW Enforcement Coordinator

FROM: Kelly Honey, Environmental Specialist III

DATE: July 23, 2009

FILE NAME: HOWCO Environmental Services COUNTY: Pinellas
PROGRAM: Hazardous Waste PROJECT # 293141

TYPE OF DOCUMENT: Case Closed Letter for Bill Kutash's signature
Case Closure Request Memo to OGC

REQUESTED ACTION: SIGNATURE / INITIALS

DESCRIPTION OF VIOLATIONS:

This Project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/07/05, 01/05/06 and 06/01/06, it was observed that the facility had 18 violations of used oil used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS:

The facility has returned to compliance, signed a consent order with the Department and paid a penalty.

STATUS OF PENALTY ASSESSMENT:

The penalty has been prepared in accordance with United States EPA RCRA Civil Penalty Policy.

PENALTY: ☐ Not Applicable

Amount: \$27,248

Costs & Expenses: \$750

Total: \$27,998

Secretary Approval ☒ Not required / Approved on _____



Attachments: Case Closed Letter for Bill Kutash's signature
Case Closure Request Memo to OGC




Memorandum **Florida Department of Environmental Protection**

SOUTHWEST DISTRICT

TO: Aliko Moncrief, Deputy General Counsel
Office of General Counsel

THROUGH:  William Kutash, Program Administrator 
Southwest District
James Dregne, Environmental Manager

FROM: Kelly Honey, Environmental Specialist III 

DATE: July 23, 2009

SUBJECT: Case Closure Request
HOWCO Environmental Services
Facility EPA ID #FLD 152 764 767; OGC Case #07-1639
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: \$27,998.00

kmh



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 24, 2009

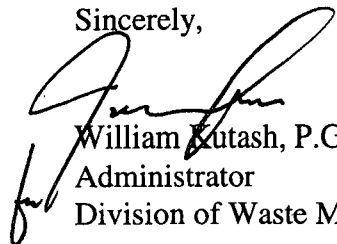
Mr. Tim Hagan
Hagan Holding Company
d/b/a HOWCO Environmental Services
3701 Central Avenue
St. Petersburg FL 33713

Re: Final Agency Action (Short Form Consent Order)
HOWCO Environmental Services; EPA ID # FLD 152 764 767
Pinellas County
OGC File No.: 07-1639

Dear Mr. Hagan:

The Department of Environmental Protection has received your final payment of \$3,500.00 as stipulated by the Order. This enforcement action is now closed. Thank you for your cooperation.

Sincerely,


William Kutash, P.G.
Administrator
Division of Waste Management

WK/kmh

enclosure

cc: Mike Redig, Department, HWR Section (via electronic mail)
Alan Annicella, US EPA Region IV (via electronic mail)
Charles Ryburn, Pinellas County Department of Environmental Management
Compliance File

Stewart, Patricia

From: Moncrief, Alik
To: Stewart, Patricia
Sent: Friday, July 24, 2009 12:18 PM
Subject: Read: Howco Environmental Services FLD# 152 764 767 OGC #07-1639 KH

Your message

To: Moncrief, Alik
Subject: Howco Environmental Services FLD# 152 764 767 OGC #07-1639 KH
Sent: 7/24/2009 12:11 PM

was read on 7/24/2009 12:18 PM.

Stewart, Patricia

From: Stewart, Patricia
Sent: Friday, July 24, 2009 12:11 PM
To: Moncrief, Alik
Subject: Howco Environmental Services FLD# 152 764 767 OGC #07-1639 KH
Attachments: OGC #07-1639 fld 152 764 767 Case Closure.pdf

Attached is the closure memo for the above site.

Thank you,

Patricia Stewart
Senior Clerk, Storage Tanks Program
Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637
813-632-7600, X 356
FAX: 813-632-7664
patricia.stewart@dep.state.fl.us

CL AREA **SWD**

CRAF006A

Logged Total **\$3,500.00**

Collection Point Log Remittance

Remittance ID	842294	Type *	CP	Received Date *	07/06/2009	Status	RECEIVED
System Receipt	672588	PNR		Check # *	91405	Amount *	3,500.00
SSN/FEID	Name * HOWCO ENVIRONMENTAL SERVICES						
First	Middle		Title		Suffix		
Address1	3701 CENTRAL AVENUE						
Address2							
City	ST. PETERSBURG	ST	FL	Zip	33713		
Country	Short Comments			OGC 07-1639 HW 8 OF 8			

PAYMENT (S)

Distribution		Object							
Payment ID	CL Area	Code/Description	Payment Amount	Reference#	Appl	Fund *	Grant *	Status	
960155	SWD	012808	LCT-PENALTIES	\$3,500.00	071639		ECOSYS	COMPLETE	▲

COMMIT FREQUENTLY

\$3,500.00 Payment Total

Cash Receiving Application - Collection Point Log Remittance									
CL AREA		SWD		Collection Point Log Remittance				Logged Total	
								CRAF006A	
								\$3,500.00	
Remittance ID	822239	Type *	CP	Received Date *	03/26/2009	Status	RECEIVED		
System Receipt	660988	PNR		Check # *	90979	Amount *	3,500.00		
SSN/FEID				Name *	HOWCO ENVIRONMENTAL SERVICES				
First				Middle			Title		
Address1	3701 CENTRAL AVENUE								
Address2									
City	ST. PETERSBURG			ST	FL	Zip	33713		
Country				Short Comments	OGC 07-1639 HW				
PAYMENT(S)									
Distribution	Object								
Payment ID	CL Area	Code/Description	Payment Amount	Reference#	Appl	Fund *	Grant *	Status	
935111	SWD	012008 LCT-PENALTIES	\$3,500.00	071639		ECOSYS		COMPLETE	▲
COMMIT FREQUENTLY			\$3,500.00	Payment Total					

7 of 8

CL AREA **SWD**

CRAF006A

Logged Total **\$3,500.00**

Collection Point Log Remittance

Remittance ID	811847	Type *	CP	Received Date *	01/23/2009	Status	RECEIVED
System Receipt	651425	PNR		Check# *	90410	Amount *	3,500.00
SSN/FEID	Name * HOWCO ENVIRONMENTAL SERVICES						
First	Middle		Title		Suffix		
Address1	3701 CENTRAL AVENUE						
Address2							
City	ST. PETERSBURG	ST	FL	Zip	33713		
Country	Short Comments			OGC 07-1639 HW			

PAYMENT(S)

Distribution		Object		Payment Amount	Reference#	Appl	Fund *	Grant *	Status
Payment ID	CL Area	Code/Description							
921044	SWD	012008	LCT-PENALTIES	\$3,500.00	071639		ECOSYS		COMPLETE

COMMIT FREQUENTLY

\$3,500.00 Payment Total

6 of 8 ✓

Cash Receiving Application - Collection Point Log Remittance									
CL AREA		SWD						CRAF006A	
				Logged Total		\$3,500.00			
Collection Point Log Remittance									
Remittance ID		798525		Type *		CP		Received Date *	
System Receipt		639335		PNR				Check # *	
SSN/FEID				Name *		HOWCO ENVIRONMENTAL SERVICES		Status	
First				Middle				Amount *	
Address1		3701 CENTRAL AVENUE		Title				3,500.00	
Address2				Suffix					
City		ST. PETERSBURG		ST		FL		Zip	
Country				Zip		33713			
		Short Comments		OGC 07-1639 HW					
PAYMENT (S)									
Distribution		Object							
Payment ID	CL Area	Code/Description	Payment Amount	Reference#	Appl	Fund *	Grant *	Status	
903646	SWD	012008 LCT-PENALTIES	\$3,500.00	071639		ECOSYS		COMPLETE	▲
COMMIT FREQUENTLY			\$3,500.00	Payment Total					

Cash Receiving Application - Collection Point Log Remittance

CL AREA **SWD** CRF006A
Logged Total **\$3,500.00**

Collection Point Log Remittance

Remittance ID	787759	Type *	CP	Received Date *	06/30/2008	Status	RECEIVED
System Receipt	629722	PNR		Check # *	86781	Amount *	3,500.00
SSN/FEID	Name * HOWCO ENVIRONMENTAL SERVICES						
First		Middle		Title		Suffix	
Address1	3701 CENTRAL AVENUE						
Address2							
City	ST. PETERSBURG	ST	FL	Zip	33713		
Country		Short Comments	OGC 07-1639 HW				

Distribution		Object		PAYMENT (S)					
Payment ID	CL Area	Code/Description	Payment Amount	Reference#	Appl	Fund *	Grant *	Status	
068492	SWD	012008 LCT-PENALTIES	\$3,500.00	071639		ECOSYS		COMPLETE	

COMMIT FREQUENTLY **\$3,500.00** Payment Total

"PR"
06-30-08
KIA

4 of 8

Cash Receiving Application - Collection Point Log Remittance

CL AREA **SWD** CRAF006A
Logged Total **\$3,500.00**

Collection Point Log Remittance

Remittance ID **770370** Type * **CP** Received Date * **03/27/2008** Status **RECEIVED**

System Receipt **620157** PNR Check # * **85678** Amount * **3,500.00**

SSN/FEID Name * **HOWCO ENVIRONMENTAL SERVICES**

First Middle Title Suffix

Address1 **3701 CENTRAL AVENUE**

Address2

City **ST. PETERSBURG** ST **FL** Zip **33713**

Country Short Comments **OGC 07-1639 HW**

PAYMENT(S)

Payment ID	Distribution	Object	Code/Description	Payment Amount	Reference#	Appl	Fund *	Status
770370	SWD	012008	ECT PENALTIES	\$3,500.00	071639	1%	ECOSYS	COMPLETE

COMMIT FREQUENTLY **\$3,500.00** Payment Total

GEC

Jim - do you
want me to send
Howco a letter of
acknowledgement of
penalty received?
-K. No.

www.gecinc.com

1-800-883-5588

"PR" 03-27-08
KLS

3rd payment of 8
next payment due ~ 6-27-08

Cash Receiving Application - Collection Point Log Remittance										
CL AREA		SWD						CRAF006A		
				Logged Total		\$3,500.00				
Collection Point Log Remittance										
Remittance ID	760802		Type *	CP		Received Date *	01/02/2008		Status	RECEIVED
System Receipt	611277		PNR			Check # *	1241		Amount *	3,500.00
SSN/FEID			Name *	HOWCO ENVIRONMENTAL SERVICES						
First			Middle			Title			Suffix	
Address1	3701 CENTRAL AVENUE									
Address2										
City	ST PETERSBURG		ST	FL		Zip	33713			
Country			Short Comments	OGC 07-1639 HW						
PAYMENT(S)										
Payment ID	CL Area	Code/Description	Payment Amount	Reference #	Appl	Fund *	Status			
055013	SWD	012008 LGT PENALTIES	\$3,500.00	071639		EGOSYS	COMPLETE			
COMMIT FREQUENTLY			\$3,500.00	Payment Total						

2nd payment
of 8

CL AREA **SWD**

CRAF006A

Logged Total **\$3,498.00**

Collection Point Log Remittance

Remittance ID	752921	Type *	CP	Received Date *	10/25/2007	Status	RECEIVED
System Receipt	604390	PNR		Check # *	83963	Amount *	3,498.00
SSN/FEID		Name *	HOWCO ENVIRONMENTAL SERVICES				
First		Middle		Title		Suffix	
Address1	3701 CENTRAL AVENUE						
Address2							
City	ST. PETERSBURG	ST	FL	Zip	33713		
Country		Short Comments	OGC 07-1639/HW				

PAYMENT(S)

Payment ID	CL Area	Code/Description	Payment Amount	Reference#	Appl	Fund *	Status
845473	SWD	018003 LCT-REIMB.LEGAL	\$750.00	071639		ECOSYS	COMPLETE
845474	SWD	012008 LCT-PENALTIES	\$2,748.00	071639		ECOSYS	COMPLETE

COMMIT FREQUENTLY

\$3,498.00 Payment Total



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

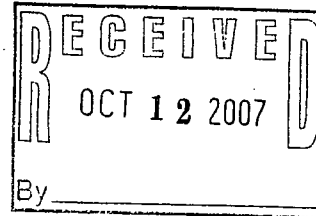
**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

October 11, 2007

7007 0710 0005 3635 7861

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

RE: Consent Order, OGC Case No. 07-1639
HOWCO Environmental Services
EPA ID# FLD 152 764 767
Pinellas County



Dear Mr. Hagan:

Enclosed is a copy of the executed Consent Order for the referenced case.

In order to close this case, you have agreed to pay in settlement the amount of \$27,248.00, along with \$750.00 to reimburse the Department costs, for a total of \$27,998.00. The payment shall be made in 8 quarterly installment payments. The first payment of \$3,498.00 is due on November 1, 2007. The initial payment shall be followed by seven equal quarterly payments of \$3,500.00. Payments are due on the 1st day of each new quarter. Final payment is due no later than August 1, 2009.

Your continued cooperation is appreciated. If you have any question please call me at (813) 632-7600, extension 410.

Sincerely,

James M. Dregne
Environmental Manager
Division of Waste Management

JMD/jd

Enclosure

cc: Lea Crandall OGC
Mike Redig, HWR Section
Jeff Pallas, US EPA Region IV
Compliance File



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

October 11, 2007

7007 0710 0005 3635 7861

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

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HOWCO Environmental Services
EPA ID# FLD 152 764 767
Pinellas County

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Sincerely,

James M. Dregne
Environmental Manager
Division of Waste Management

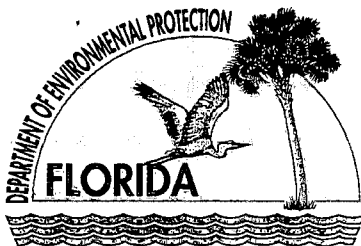
JMD/jd

Enclosure

cc: Lea Crandall OGC
Mike Redig, HWR Section
Jeff Pallas, US EPA Region IV
Compliance File

7007 0710 0005 3635 7861

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
Postmark Here 10/11/07	
Sent To Mr. Tim Hagan	
HOWCO Environmental Services	
3701 Central Ave.	
Street, Apt. or PO Box St. Petersburg, FL 33713	
City, State,	
PS Form 3800, August 2006	
See Reverse for Instructions	



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

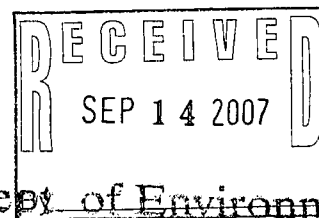
Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL ^{7007 0710 0005 3635 5348}
RETURN RECEIPT REQUESTED

September 13, 2007

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



Dept. of Environmental
Protection

Re: Proposed Settlement of HOWCO Environmental Services
EPA ID Number FLD 152 764 767
OGC File No.: 07-1639

OCT 05 2007

Dear Mr. Hagan

Southwest District

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated July 21, 2006, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. 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 \$27,248.00, along with \$750.00 to reimburse Department costs, for a total of \$27,998.00. The civil penalty in this case includes four (4) violation of \$2,000.00 or more.

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." Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL, 33637-0926. The payment shall be made in eight quarterly installment payments. The first quarterly payment of \$3,498.00 shall be made within 21 days of your signing this letter. The initial payment will be followed by seven equal quarterly payments of \$3,500.00. The final payment is due no later than August 1, 2009. Failure to timely make any installment payment will allow the Department, at its discretion, to accelerate the balance which will become immediately due.

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 (including its attachments) 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 October 5, 2007, 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,

Richard W. Cantrell

Richard W. Cantrell
Interim Director
Southwest District

FOR THE RESPONDENT:

I, Tim Hagan on behalf of HOWCO Environmental Services,
HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Tim Hagan Pres
Date: 10-4-7

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 9th day of October, 2007.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Richard W. Cantrell

Richard W. Cantrell
Interim 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.

Marcia Haines 10/9/07
Clerk Date

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

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
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

July 21, 2006

CERTIFIED MAIL 7004 0750 0003 0516 4905
RETURN RECEIPT REQUESTED

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

Re: HOWCO Environmental Services
FLD 152 764 767
Warning Letter #293141
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. Hazardous waste program field inspections conducted on November 7, 2005, January 5, 2006 and June 1, 2006, indicate 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.

Sections 403.161 and 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)632-7600, 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.

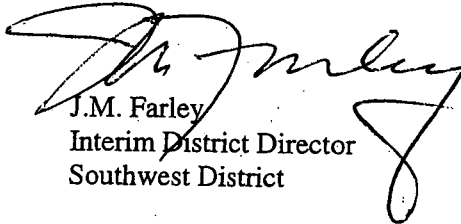
"More Protection, Less Process"

Printed on recycled paper.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), 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, the penalties which can be assessed in hazardous waste cases are up to \$27,500 per day per violation

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,


J.M. Farley
Interim District Director
Southwest District

JMF/afg

Attachment

cc: Charles Ryburn, Pinellas County DEM
Jeff Pallas, US EPA Region IV
Mike Redig, HWR Section
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, FL 33711

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

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000 ---
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod Maj/Min	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,000 \$4,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
13.	Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen 7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000 \$0
14.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen 4	Permit Cond. IV.5(c)	\$2,000	---	---	\$2,000 \$0
15.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000- \$8,000	---	\$2,500	\$12,500 \$8,000
16.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:							\$750
TOTAL PENALTY:							\$38,498 \$33,498

#27,998

James M. Dregne
JMD
9/4/07

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

NOTES:

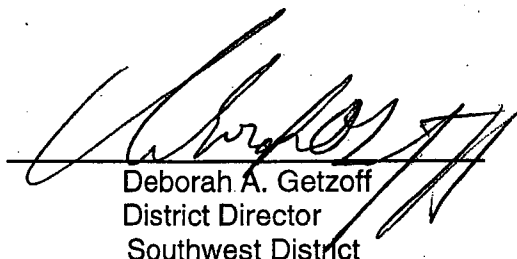
For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

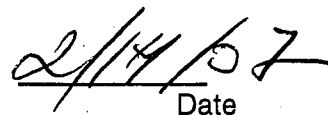
For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].


Deborah A. Getzoff
District Director
Southwest District


Date

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: 11/07/05 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 checked="" 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

Danielle Nichols - FDEP

Richard Dillen - HOWCO

Bret Galbraith - FDEP

Juan Rullier, 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

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil and accepts oily waste solids which are processed and solidified prior to disposal at a landfill. The processing of solid wastes is overseen by the Department's Solid Waste Management Program that also participated in this inspection.

Upon inspecting the used oil processing area it was observed that there were three open containers of used oil in the area of tank #170. Failure to label containers of used oil and failure to seal containers of used oil, or otherwise protect them from the weather, are violations of **62-710.401(6), FAC**.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. The solidified wastes are managed as non-hazardous material. On two inspection dates, November 7, 2005 and on January 5, 2006, the drum storage area on the south side of the property, west and east of the used oil filter crusher, was inspected. On 11/7/05 it was observed that the surface of the secondary containment area was no longer "impervious" as required. HOWCO had been advised in past compliance inspections dated 8/13/01, 7/24/02 and 6/24/03 that this was an area of concern to the Department and that HOWCO was to assess this area by power washing the surface, inspecting the integrity of the concrete floor and seal coat and make repairs, as needed. On this inspection it was observed that there were cracks throughout the entire containment area and the entire area was not impervious to contaminants. This is a violation of **62-710.850(5)(a), FAC**. During a follow-up site visit on June 1, 2006, it was observed that the facility had cleaned and re-sealed the secondary containment area. However, there were areas in which the sealant had been gouged off due to the movement of roll-off boxes in and out of the area. The facility needs to address how they will ensure an impervious surface.

At the time of the 11/7/05 inspection, there were five (5) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, one contained demolition and yard debris, one contained used oil filters and the fifth was empty. It was observed that one roll-off box of processed material had a puncture in one of its plastic "doors". This is a violation of **Specific Condition IV.6(b)** in the facility's operating permit which requires that all processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces. Also observed was one covered roll-off box containing processed waste which was labeled "EMPTY". This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit which states that such containers shall be labeled "Processed Solid Waste". During the inspection, facility personnel stated that one of the facility's vacuum trucks had been down for a month and no replacement equipment had been found as yet. This is a violation of **Specific Condition IV.3(b)** in the facility's operating permit which requires in such event, the permittee shall complete repairs or provide reserve equipment within one week of discovery of the equipment failure.

The drum storage area also contained fifty seven (57) drums of oily waste and more than 100 drums of used oil filters. Department staff inspected the shipment from GAF that included 57 drums (manifest #0070133962) most of which were labeled "used oil" that were received on or around October 19, 2005 by the facility. Upon examination of the contents of these drums, it was observed that little of the material was suitable/useable to recover used oil. A subsequent discussion with Mike Wolfe regarding this shipment revealed that the facility was aware that very little of the material could be processed and HOWCO would essentially just be taking the material to the landfill. The waste was not readily identifiable, and a good portion appeared to be trash, contaminated with small amounts of oil. There was also a roll-off of various construction and demolition debris that was not apparently contaminated by oil.

Facility personnel explained to DEP staff that this roll-off came from a "sister" facility's yard and was going to Okeechobee Landfill and that the present facility was only being used as a transfer point. These activities are in violation of **Specific Condition IV.1(b)** (the accepted materials lists) in the facility's operating permit.

Of over 100 drums of used oil filters, there were a large number of drums improperly labeled and one roll-off box of used oil filters that was covered with a tarp made from a mesh material. On 1/5/06 it was observed that there was one drum of used oil filters that had no lid, and there was no lid in the area. On a site visit 6/1/06 four drums of used oil filters were not sealed or protected from the weather. Failure to properly seal containers of used oil filters or otherwise protect them from the weather is a violation of **62-710.850(5)(a), FAC.**

There was a container of used oil that was not sealed and not protected from the weather, and it was observed that there were approximately thirty-three 55-gallon drums that were improperly labeled "water & oil mixed." Failure to properly label and seal containers of used oil or otherwise protect them from the weather are violations of **62-710.401(6), FAC.**

In addition, on both site visits it was disturbing to the inspectors that the Plant Manager and facility personnel could not tell the inspectors what the contents were of many drums and could not explain the labeling on containers. This indicates a deficiency in the facility's training program. The failure to properly train facility personnel managing wastes is a violation of **40 CFR 279.54** [used oil processor/refiners are subject to all applicable Spill Prevention Control and Countermeasures (40 CFR part 112)]. 40 CFR 112.7(f)(1) addresses personnel training. At a minimum, facility personnel are to be trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility's SPCC and Contingency Plans.

During the 1/5/06 site visit it was observed that personnel were processing solid waste in a roll-off box in the solid waste processing area. Mulch was being added to oily solid waste for solidification prior to disposal. Mulch is not one of the approved solidification agents. Because HOWCO did not provide written notice of its use to the Department, it is a violation of **Specific Condition IV.1(a)(12)** in the facility's operating permit. The area around the roll-off box had pools of used oil, and the roll-off box was laden with pools of used oil. During a site visit on 2/16/06 it was again observed that there was a roll-off box in the solids processing area that had a pool of oil on top of the tarp. Under the tarp, the contents were laden with a pool of used oil. These are violations of **Specific Condition IV.10** in the facility's operating permit. In processing oily waste, the correct procedure is for HOWCO to recover any used oil in either the cone bottom tank (#110) or the inclined tank (#111) prior to processing the waste. It appeared that this was not being done. Failure to perform a hazardous waste determination prior to land disposal of this material is a violation of **40 CFR 262.11** [per **40 CFR 279.10(e)(3)(i)**]. Also, the roll-off box was not properly labeled, "Processed Solids". On a site-visit 6/1/06 it was again observed that a roll-off box was not properly labeled, "Processed Solids." This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit.

There were two 55-gallon drums of used oil behind the laboratory in secondary containment. However, there was oil in the secondary containment, and the secondary containment does not appear to have the capacity to contain at least 110% of the largest container. This is a violation of **62-710.401(6), FAC.** The facility shall ensure that the containment system is emptied to accommodate any future spills or leaks and that there is the appropriate containment capacity.

The fire and emergency equipment are inspected monthly and are tested annually. Fire extinguishers were serviced in August and October 2005, except for the maintenance shop fire extinguisher that was last serviced in November 2004. The facility is to ensure that all fire extinguishers are serviced annually.

DEP staff also observed that not all outgoing material to be disposed was sampled and analyzed on an annual basis. This is a violation of **Specific Condition IV.5(c)** in the facility's operating permit, which requires such sampling and analysis be done on an annual basis or more frequently if required. Records of waste streams at the facility were found to be inadequate. This is a violation of **Specific Condition IV.9** in the facility's operating permit. It was observed that there was not a signed waste profile form for each waste stream received, and that some manifests did not have a date on which the manifest was signed and/or did not have the signatory's name printed on the manifest. On some occasions, it was found that the waste stream was not adequately identified (i.e. "Sludge") with any description of where or from what materials/process the waste was generated.

On January 5, 2006, the facility was re-visited to review operating records. Upon reviewing the sampling protocol for determining whether off-site shipments of oil were "on-spec", it was determined that from January to December 2005 the facility had not been following the random sampling procedure as specified in its operating permit. This is a violation of **Specific Condition II.8(a)** in the facility's operating permit. In addition, the facility did not sample one tank (or batch) every two weeks as required. Of a possible 26 sampling events HOWCO sampled only 24 times in 2005. This is a violation of **Specific Condition II.8(c)(2)** in the facility's operating permit. It was also observed that Batch #2586 was sampled on 12/28/05 and loads were shipped off-site on 12/29/05 which was before the results for the previous batch (Batch #2585 sampled on 12/27/05) were received. The purpose of the sampling program is to determine compliance with the "on-spec" criteria for processed oil. It is not appropriate to ship processed oil prior to the specification analyses being received.

The monthly inspection logs were reviewed and found to be complete. However, it was noted that on the January 2005 inspection log the loud speaker for communications was not functional and corrective action was required. This same notation was noted on the February, March, April and May 2005 inspection logs. On the June 2005 inspection log it was noted that the communications system was okay, but on the July 2005 inspection log it was again noted as not being functional. On the August 2005 inspection log it was noted that the facility started using a megaphone for communications. Failure to provide or maintain emergency equipment such as the communications and alarm systems is a violation of **40 CFR 279.52(a)(3)**. Failure to amend the facility Contingency Plan to denote a change in emergency procedures is a violation of **40 CFR 279.52(b)(4)(v)**. Failure to train personnel of the availability and use of the communication system is a violation of **40 CFR 279.54 [reference to 40 CFR 112.7(f)]**. The one megaphone or bull horn is kept in the Plant Manager's office. The facility shall either get the loud speaker system repaired or find other devices of communication and provide multiple units for facility personnel to use. The facility shall also train facility personnel on the usage of the communication device(s).

HOWCO was delinquent in submitting its Used Oil Processing Permit Renewal Application. The application was due on June 4, 2005, sixty (60) days prior to the expiration date of the existing permit. This is a violation of **62-710.800(4)**, FAC. The District received a copy of the permit renewal application on July 26, 2005.

HOWCO was also delinquent in submitting its Solid Waste Processing Permit Renewal Application. Rule 62-4.090(1), FAC, requires that sixty days prior to permit expiration the permittee shall apply for a renewal of the permit. The permit renewal application was submitted (Aug. 29, 2005) and was not made

complete prior to the expiration of the permit. The application was not timely, and the permit expired, yet the facility has continued to operate without authorization (a permit). This is in violation of Rules 62-701.300(1)(a), FAC, and 62-701.320(10)(a), FAC, which state that no person shall store, process, or dispose of solid waste except at a permitted solid waste facility or a facility exempt from permitting under certain circumstances, and if a renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient, unless it is submitted and made complete prior to the expiration of the existing permit. During the November 7, 2005, compliance inspection, facility personnel were advised that they were operating without a solid waste permit. This is a violation of 62-701.320(1), FAC.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 262.11	Failure to make a hazardous waste determination prior to treating used oil processing residuals, or un-processable residuals.
40 CFR 279.52(a)(3)	Failure to maintain a functioning communications or alarm system.
40 CFR 279.52(b)(4)(v)	Failure to amend the facility's Contingency Plan (after a change in emergency communications procedure.)
40 CFR 279.54	Failure to adequately train personnel.
62-701.300(1)(a), FAC and 62-701.320(10)(a), FAC	Failure to submit a solid waste facility processing facility permit renewal application in a timely manner.
62-701.320(1), FAC	Operating a solid waste management facility without a permit issued by the Department.
62-710.401(6), FAC	Failure to seal or otherwise protect from the weather containers of used oil. (Repeat Violation).
	Failure to properly label containers of used oil. (Repeat Violation).
	Failure to provide adequate secondary containment capacity for containers of used oil.
62-710.800(4), FAC	Failure to submit a used oil processor facility renewal permit application to the Department at least 60 days prior to the expiration date of the existing permit.
62-710.850(5)(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 provide an impervious surface for the storage of containers of used oil filters. (Corrected)
Specific Condition II.8(a)	Failure to follow sampling protocol for processed oil. (Corrected)
Specific Condition II.8(c)(2)	Failure to sample and analyze processed oil at the required frequency.
Specific Condition IV.1(a)(12)	Failure to use an authorized solidification agent for processing solids.
Specific Condition IV.1(b)	Failure to perform acceptance screening on materials prior to processing or storage.
Specific Condition IV.3(b)	Failure to repair or replace inoperable processing equipment within one week of discovery.
Specific Condition IV.5(c)	Failure to, at least annually, sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.
Specific Condition IV.6(b)	Failure to provide an impervious surface for storing or processing oily waste solids. (Corrected)
	Failure to store solids in a covered, lined roll-off container.
Specific Condition IV.7(d)	Failure to properly label containers of processed solids with the words, "Processed Solids."
Specific Condition IV.9	Failure to maintain required records of waste streams (signed waste profile of material received, dated signed manifests and proper description of waste.)
Specific Condition IV.10	Failure to contain, clean up and properly manage released oil and oily waste.

11. RECOMMENDED CORRECTIVE ACTIONS:

~~40 CFR 262.11~~

~~Effective immediately and henceforth, the facility shall
ensure that solid wastes are characterized prior to
landfilling for disposal.~~

40 CFR 279.52(a)(3)

Effective immediately and henceforth, the facility shall ensure that communications or alarm systems are functional.

40 CFR 279.52(b)(4)(v)

Effective immediately and henceforth, the facility shall amend the facility's Contingency Plan to reflect changes in the facility's operations and procedures.

40 CFR 279.54

Effective immediately and henceforth, the facility shall ensure personnel are adequately trained.

~~62-701.300(1)(a), FAC and
62-701.320(10)(c), FAC~~

~~Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.~~

~~62-701.320(1), FAC~~

~~Effective immediately the facility shall cease its solid waste management activities until issued a permit by the Department.~~

62-710.401(6), FAC

Effective immediately and henceforth, the facility shall ensure that used oil containers are sealed or protected from the weather, are properly labeled and there is adequate capacity in the secondary containment to contain 110% of the largest container within containment.

~~62-710.800(4), FAC~~

~~Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.~~

62-710.850(5)(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, properly labeled and stored on an impervious surface.

Specific Condition II.8(c)(2)

Effective immediately and henceforth, the facility shall ensure that it performs the required analyses of processed oil as specified in the facility's operating permit.

~~Specific Condition IV.1(a)(12)~~

~~Effective immediately and henceforth, the facility shall ensure that it uses an approved solidification agent for processing oily waste or requests and receives prior Department approval for use of an alternate agent.~~

Specific Condition IV.1(b)

Effective immediately and henceforth, the facility shall limit the acceptance of solid waste to those materials specified and defined in the facility's operating permit.

Specific Condition IV.3(b)

Effective immediately and henceforth, the facility shall repair or replace operating equipment within one week after discovery.

Specific Condition IV.5(c)

Effective immediately and henceforth, the facility shall ensure, at least annually, to sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.

Specific Condition IV.6(b)

Effective immediately and henceforth, the facility shall ensure that processed solids are stored in a lined and covered roll-off container.

Specific Condition IV.7(d)

Effective immediately and henceforth, the facility shall ensure that containers of processed solids are properly labeled, "Processed Solids."

Specific Condition IV.9

Effective immediately and henceforth, the facility shall maintain complete and accurate records of waste profiles, manifests and proper descriptions of materials received.

~~Specific Condition IV.10~~

~~Effective immediately and henceforth, the facility shall ensure that personnel contain, clean up and properly manage released oil and oily waste.~~

Report Prepared By: _____
Al Gephart Engineering Specialist IV

Report Reviewed By: _____
Danielle Nichols Environmental Specialist I

Report Reviewed By: _____
Kelly Honey Environmental Specialist II

Report Approved By: _____
Elizabeth Knauss Environmental Manager

Date _____

Memorandum

**Florida Department of
Environmental Protection**

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:

RWC Richard W. Cantrell, Interim Director

THROUGH:

W William Kutash, Waste Program Administrator

FROM:

JD James Dregne, Hazardous Waste Program Manager 10/5

DATE:

October 5, 2007

FILE NAME: **HOWCO Environmental Services**

COUNTY: Pinellas

PROGRAM: Hazardous Waste

PROJECT # 293141

TYPE OF DOCUMENT: Executed Short Form Consent Order

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: This project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/7/05, 1/5/06 and 6/1/06 it was observed that the facility had eighteen (18) violations of used oil, used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS: All violations have been corrected.

PENALTY ASSESSMENT: The District is assessing RCRA and ELRA penalties of \$27,248 for various violations of used oil management and solid waste rules. Departmental costs are \$750.

PENALTY:

Amount: \$27,248

Costs & Expenses: \$750

Total: \$27,998

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

7007 0710 0005 3635 5348

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

4b. Service Type

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

7. Date of Delivery

9.14.07

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X. E. Schwartzkopf

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

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CERTIFIED MAIL™ RECEIPT**
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OFFICIAL USE

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Restricted Delivery Fee (Endorsement Required)	

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9-13-07
Postmark
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Total Postage

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

Sent To

Street, Apt. No.
or PO Box No.

City, State, ZIP

PS Form 3800, August 2006

UNITED STATES POSTAL SERVICE

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14 SEP 2007

Dept. of Environmental Protection

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SEP 17 2007

State of Florida
Department of Environmental Protection
Southwest District
ATTN: James J. Greene, HW
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Southwest District





Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL ^{7007 0710 0005 3635 5348}
RETURN RECEIPT REQUESTED

September 13, 2007

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

Re: Proposed Settlement of HOWCO Environmental Services
EPA ID Number FLD 152 764 767
OGC File No.: 07-1639

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 July 21, 2006, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. 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 \$27,248.00, along with \$750.00 to reimburse Department costs, for a total of \$27,998.00. The civil penalty in this case includes four (4) violation of \$2,000.00 or more.

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." Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL, 33637-0926. The payment shall be made in eight quarterly installment payments. The first quarterly payment of \$3,498.00 shall be made within 21 days of your signing this letter. The initial payment will be followed by seven equal quarterly payments of \$3,500.00. The final payment is due no later than August 1, 2009. Failure to timely make any installment payment will allow the Department, at its discretion, to accelerate the balance which will become immediately due.

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 (including its attachments) 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 October 5, 2007, 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,



Richard W. Cantrell
Interim Director
Southwest District

FOR THE RESPONDENT:

I, Tim Hagan on behalf of HOWCO Environmental Services,
**HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED
ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2007.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Richard W. Cantrell
Interim 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

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

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
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

July 21, 2006

CERTIFIED MAIL 7004 0750 0003 0516 4905
RETURN RECEIPT REQUESTED

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

Re: HOWCO Environmental Services
FLD 152 764 767
Warning Letter #293141
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. Hazardous waste program field inspections conducted on November 7, 2005, January 5, 2006 and June 1, 2006, indicate 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.

Sections 403.161 and 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)632-7600, 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.

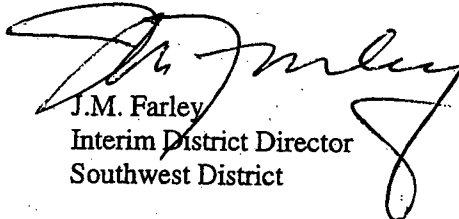
"More Protection, Less Process"

Printed on recycled paper.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), 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, the penalties which can be assessed in hazardous waste cases are up to \$27,500 per day per violation

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



J.M. Farley
Interim District Director
Southwest District

JMF/afg

Attachment

cc: Charles Ryburn, Pinellas County DEM
Jeff Pallas, US EPA Region IV
Mike Redig, HWR Section
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, FL 33711

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

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000 ---
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod Maj/Min	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,999 \$4,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
13. Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen 7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000 \$0
14. Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen 4	Permit Cond. IV.5(c)	\$2,000	---	---	\$2,000 \$0
15. Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000- \$8,000	---	\$2,500	\$12,500 \$8,000
16. Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17. Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18. Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:						\$750
TOTAL PENALTY:						\$38,498 \$33,498

27,998

James M. Dregne
JMD
9/4/07

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

NOTES:

For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].


Deborah A. Getzoff
District Director
Southwest District

2/14/07
Date

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: 11/07/05 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 checked="" 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

Danielle Nichols - FDEP
Richard Dillen - HOWCO

Bret Galbraith - FDEP
Juan Rullier, 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

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil and accepts oily waste solids which are processed and solidified prior to disposal at a landfill. The processing of solid wastes is overseen by the Department's Solid Waste Management Program that also participated in this inspection.

Upon inspecting the used oil processing area it was observed that there were three open containers of used oil in the area of tank #170. Failure to label containers of used oil and failure to seal containers of used oil, or otherwise protect them from the weather, are violations of **62-710.401(6), FAC**.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. The solidified wastes are managed as non-hazardous material. On two inspection dates, November 7, 2005 and on January 5, 2006, the drum storage area on the south side of the property, west and east of the used oil filter crusher, was inspected. On 11/7/05 it was observed that the surface of the secondary containment area was no longer "impervious" as required. HOWCO had been advised in past compliance inspections dated 8/13/01, 7/24/02 and 6/24/03 that this was an area of concern to the Department and that HOWCO was to assess this area by power washing the surface, inspecting the integrity of the concrete floor and seal coat and make repairs, as needed. On this inspection it was observed that there were cracks throughout the entire containment area and the entire area was not impervious to contaminants. This is a violation of **62-710.850(5)(a), FAC**. During a follow-up site visit on June 1, 2006, it was observed that the facility had cleaned and re-sealed the secondary containment area. However, there were areas in which the sealant had been gouged off due to the movement of roll-off boxes in and out of the area. The facility needs to address how they will ensure an impervious surface.

At the time of the 11/7/05 inspection, there were five (5) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, one contained demolition and yard debris, one contained used oil filters and the fifth was empty. It was observed that one roll-off box of processed material had a puncture in one of its plastic "doors". This is a violation of **Specific Condition IV.6(b)** in the facility's operating permit which requires that all processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces. Also observed was one covered roll-off box containing processed waste which was labeled "EMPTY". This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit which states that such containers shall be labeled "Processed Solid Waste". During the inspection, facility personnel stated that one of the facility's vacuum trucks had been down for a month and no replacement equipment had been found as yet. This is a violation of **Specific Condition IV.3(b)** in the facility's operating permit which requires in such event, the permittee shall complete repairs or provide reserve equipment within one week of discovery of the equipment failure.

The drum storage area also contained fifty seven (57) drums of oily waste and more than 100 drums of used oil filters. Department staff inspected the shipment from GAF that included 57 drums (manifest #0070133962) most of which were labeled "used oil" that were received on or around October 19, 2005 by the facility. Upon examination of the contents of these drums, it was observed that little of the material was suitable/useable to recover used oil. A subsequent discussion with Mike Wolfe regarding this shipment revealed that the facility was aware that very little of the material could be processed and HOWCO would essentially just be taking the material to the landfill. The waste was not readily identifiable, and a good portion appeared to be trash, contaminated with small amounts of oil. There was also a roll-off of various construction and demolition debris that was not apparently contaminated by oil.

Facility personnel explained to DEP staff that this roll-off came from a "sister" facility's yard and was going to Okeechobee Landfill and that the present facility was only being used as a transfer point. These activities are in violation of **Specific Condition IV.1(b)** (the accepted materials lists) in the facility's operating permit.

Of over 100 drums of used oil filters, there were a large number of drums improperly labeled and one roll-off box of used oil filters that was covered with a tarp made from a mesh material. On 1/5/06 it was observed that there was one drum of used oil filters that had no lid, and there was no lid in the area. On a site visit 6/1/06 four drums of used oil filters were not sealed or protected from the weather. Failure to properly seal containers of used oil filters or otherwise protect them from the weather is a violation of **62-710.850(5)(a), FAC**.

There was a container of used oil that was not sealed and not protected from the weather, and it was observed that there were approximately thirty-three 55-gallon drums that were improperly labeled "water & oil mixed." Failure to properly label and seal containers of used oil or otherwise protect them from the weather are violations of **62-710.401(6), FAC**.

In addition, on both site visits it was disturbing to the inspectors that the Plant Manager and facility personnel could not tell the inspectors what the contents were of many drums and could not explain the labeling on containers. This indicates a deficiency in the facility's training program. The failure to properly train facility personnel managing wastes is a violation of **40 CFR 279.54** [used oil processor/refiners are subject to all applicable Spill Prevention Control and Countermeasures (40 CFR part 112)]. 40 CFR 112.7(f)(1) addresses personnel training. At a minimum, facility personnel are to be trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility's SPCC and Contingency Plans.

During the 1/5/06 site visit it was observed that personnel were processing solid waste in a roll-off box in the solid waste processing area. Mulch was being added to oily solid waste for solidification prior to disposal. Mulch is not one of the approved solidification agents. Because HOWCO did not provide written notice of its use to the Department, it is a violation of **Specific Condition IV.1(a)(12)** in the facility's operating permit. The area around the roll-off box had pools of used oil, and the roll-off box was laden with pools of used oil. During a site visit on 2/16/06 it was again observed that there was a roll-off box in the solids processing area that had a pool of oil on top of the tarp. Under the tarp, the contents were laden with a pool of used oil. These are violations of **Specific Condition IV.10** in the facility's operating permit. In processing oily waste, the correct procedure is for HOWCO to recover any used oil in either the cone bottom tank (#110) or the inclined tank (#111) prior to processing the waste. It appeared that this was not being done. Failure to perform a hazardous waste determination prior to land disposal of this material is a violation of **40 CFR 262.11** [per **40 CFR 279.10(e)(3)(i)**]. Also, the roll-off box was not properly labeled, "Processed Solids". On a site-visit 6/1/06 it was again observed that a roll-off box was not properly labeled, "Processed Solids." This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit.

There were two 55-gallon drums of used oil behind the laboratory in secondary containment. However, there was oil in the secondary containment, and the secondary containment does not appear to have the capacity to contain at least 110% of the largest container. This is a violation of **62-710.401(6), FAC**. The facility shall ensure that the containment system is emptied to accommodate any future spills or leaks and that there is the appropriate containment capacity.

The fire and emergency equipment are inspected monthly and are tested annually. Fire extinguishers were serviced in August and October 2005, except for the maintenance shop fire extinguisher that was last serviced in November 2004. The facility is to ensure that all fire extinguishers are serviced annually.

DEP staff also observed that not all outgoing material to be disposed was sampled and analyzed on an annual basis. This is a violation of **Specific Condition IV.5(c)** in the facility's operating permit, which requires such sampling and analysis be done on an annual basis or more frequently if required. Records of waste streams at the facility were found to be inadequate. This is a violation of **Specific Condition IV.9** in the facility's operating permit. It was observed that there was not a signed waste profile form for each waste stream received, and that some manifests did not have a date on which the manifest was signed and/or did not have the signatory's name printed on the manifest. On some occasions, it was found that the waste stream was not adequately identified (i.e. "Sludge") with any description of where or from what materials/process the waste was generated.

On January 5, 2006, the facility was re-visited to review operating records. Upon reviewing the sampling protocol for determining whether off-site shipments of oil were "on-spec", it was determined that from January to December 2005 the facility had not been following the random sampling procedure as specified in its operating permit. This is a violation of **Specific Condition II.8(a)** in the facility's operating permit. In addition, the facility did not sample one tank (or batch) every two weeks as required. Of a possible 26 sampling events HOWCO sampled only 24 times in 2005. This is a violation of **Specific Condition II.8(c)(2)** in the facility's operating permit. It was also observed that Batch #2586 was sampled on 12/28/05 and loads were shipped off-site on 12/29/05 which was before the results for the previous batch (Batch #2585 sampled on 12/27/05) were received. The purpose of the sampling program is to determine compliance with the "on-spec" criteria for processed oil. It is not appropriate to ship processed oil prior to the specification analyses being received.

The monthly inspection logs were reviewed and found to be complete. However, it was noted that on the January 2005 inspection log the loud speaker for communications was not functional and corrective action was required. This same notation was noted on the February, March, April and May 2005 inspection logs. On the June 2005 inspection log it was noted that the communications system was okay, but on the July 2005 inspection log it was again noted as not being functional. On the August 2005 inspection log it was noted that the facility started using a megaphone for communications. Failure to provide or maintain emergency equipment such as the communications and alarm systems is a violation of **40 CFR 279.52(a)(3)**. Failure to amend the facility Contingency Plan to denote a change in emergency procedures is a violation of **40 CFR 279.52(b)(4)(v)**. Failure to train personnel of the availability and use of the communication system is a violation of **40 CFR 279.54 [reference to 40 CFR 112.7(f)]**. The one megaphone or bull horn is kept in the Plant Manager's office. The facility shall either get the loud speaker system repaired or find other devices of communication and provide multiple units for facility personnel to use. The facility shall also train facility personnel on the usage of the communication device(s).

HOWCO was delinquent in submitting its Used Oil Processing Permit Renewal Application. The application was due on June 4, 2005, sixty (60) days prior to the expiration date of the existing permit. This is a violation of **62-710.800(4)**, FAC. The District received a copy of the permit renewal application on July 26, 2005.

HOWCO was also delinquent in submitting its Solid Waste Processing Permit Renewal Application. Rule 62-4.090(1), FAC, requires that sixty days prior to permit expiration the permittee shall apply for a renewal of the permit. The permit renewal application was submitted (Aug. 29, 2005) and was not made

complete prior to the expiration of the permit. The application was not timely, and the permit expired, yet the facility has continued to operate without authorization (a permit). This is in violation of Rules 62-701.300(1)(a), FAC, and 62-701.320(10)(a), FAC, which state that no person shall store, process, or dispose of solid waste except at a permitted solid waste facility or a facility exempt from permitting under certain circumstances, and if a renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient, unless is it submitted and made complete prior to the expiration of the existing permit. During the November 7, 2005, compliance inspection, facility personnel were advised that they were operating without a solid waste permit. This is a violation of 62-701.320(1), FAC.

10. SUMMARY OF ALLEGED VIOLATIONS:

~~40 CFR 262.11~~

~~Failure to make a hazardous waste determination prior to treating used oil processing residuals, or un-processable residuals.~~

40 CFR 279.52(a)(3)

Failure to maintain a functioning communications or alarm system.

40 CFR 279.52(b)(4)(v)

Failure to amend the facility's Contingency Plan (after a change in emergency communications procedure.)

40 CFR 279.54

Failure to adequately train personnel.

~~62-701.300(1)(a), FAC and
62-701.320(10)(a), FAC~~

~~Failure to submit a solid waste facility processing facility permit renewal application in a timely manner.~~

~~62-701.320(1), FAC~~

~~Operating a solid waste management facility without a permit issued by the Department.~~

62-710.401(6), FAC

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

Failure to properly label containers of used oil.
(Repeat Violation).

Failure to provide adequate secondary containment capacity for containers of used oil.

~~62-710.800(4), FAC~~

~~Failure to submit a used oil processor facility renewal permit application to the Department at least 60 days prior to the expiration date of the existing permit.~~

62-710.850(5)(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 provide an impervious surface for the storage of containers of used oil filters. (Corrected)
Specific Condition II.8(a)	Failure to follow sampling protocol for processed oil. (Corrected)
Specific Condition II.8(c)(2)	Failure to sample and analyze processed oil at the required frequency.
Specific Condition IV.1(a)(12)	Failure to use an authorized solidification agent for processing solids.
Specific Condition IV.1(b)	Failure to perform acceptance screening on materials prior to processing or storage.
Specific Condition IV.3(b)	Failure to repair or replace inoperable processing equipment within one week of discovery.
Specific Condition IV.5(c)	Failure to, at least annually, sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.
Specific Condition IV.6(b)	Failure to provide an impervious surface for storing or processing oily waste solids. (Corrected)
	Failure to store solids in a covered, lined roll-off container.
Specific Condition IV.7(d)	Failure to properly label containers of processed solids with the words, "Processed Solids."
Specific Condition IV.9	Failure to maintain required records of waste streams (signed waste profile of material received, dated signed manifests and proper description of waste.)
Specific Condition IV.10	Failure to contain, clean up and properly manage released oil and oily waste.

11. RECOMMENDED CORRECTIVE ACTIONS:

~~40 CFR 262.11~~

~~Effective immediately and henceforth, the facility shall ensure that solid wastes are characterized prior to landfilling for disposal.~~

40 CFR 279.52(a)(3)

Effective immediately and henceforth, the facility shall ensure that communications or alarm systems are functional.

40 CFR 279.52(b)(4)(v)

Effective immediately and henceforth, the facility shall amend the facility's Contingency Plan to reflect changes in the facility's operations and procedures.

40 CFR 279.54

Effective immediately and henceforth, the facility shall ensure personnel are adequately trained.

~~62-701.300(1)(a), FAC and
62-701.320(10)(c), FAC~~

~~Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.~~

~~62-701.320(1), FAC~~

~~Effective immediately the facility shall cease its solid waste management activities until issued a permit by the Department.~~

62-710.401(6), FAC

Effective immediately and henceforth, the facility shall ensure that used oil containers are sealed or protected from the weather, are properly labeled and there is adequate capacity in the secondary containment to contain 110% of the largest container within containment.

~~62-710.800(4), FAC~~

~~Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.~~

62-710.850(5)(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, properly labeled and stored on an impervious surface.

Specific Condition II.8(c)(2)

Effective immediately and henceforth, the facility shall ensure that it performs the required analyses of processed oil as specified in the facility's operating permit.

~~Specific Condition IV.1(a)(12)~~

~~Effective immediately and henceforth, the facility shall ensure that it uses an approved solidification agent for processing oily waste or requests and receives prior Department approval for use of an alternate agent.~~

Specific Condition IV.1(b)

Effective immediately and henceforth, the facility shall limit the acceptance of solid waste to those materials specified and defined in the facility's operating permit.

Specific Condition IV.3(b)

Effective immediately and henceforth, the facility shall repair or replace operating equipment within one week after discovery.

Specific Condition IV.5(c)

Effective immediately and henceforth, the facility shall ensure, at least annually, to sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.

Specific Condition IV.6(b)

Effective immediately and henceforth, the facility shall ensure that processed solids are stored in a lined and covered roll-off container.

Specific Condition IV.7(d)

Effective immediately and henceforth, the facility shall ensure that containers of processed solids are properly labeled, "Processed Solids."

Specific Condition IV.9

Effective immediately and henceforth, the facility shall maintain complete and accurate records of waste profiles, manifests and proper descriptions of materials received.

~~Specific Condition IV.10~~

~~Effective immediately and henceforth, the facility shall ensure that personnel contain, clean up and properly manage released oil and oily waste.~~

Report Prepared By: _____
Al Gephart Engineering Specialist IV

Report Reviewed By: _____
Danielle Nichols Environmental Specialist I

Report Reviewed By: _____
Kelly Honey Environmental Specialist II




Report Approved By: _____
Elizabeth Knauss Environmental Manager

Date _____

Memorandum

**Florida Department of
Environmental Protection**

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:  Richard W. Cantrell, Interim Director
THROUGH:  William Kutash, Waste Program Administrator
FROM:  James Dregne, Hazardous Waste Program Manager 9/12

DATE: September 12, 2007

FILE NAME: **HOWCO Environmental Services** COUNTY: Pinellas
PROGRAM: Hazardous Waste PROJECT # 293141

TYPE OF DOCUMENT: Draft Short Form Consent Order

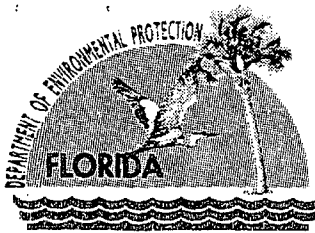
REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: This project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/7/05, 1/5/06 and 6/1/06 it was observed that the facility had eighteen (18) violations of used oil, used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS: The remaining violations have been corrected.

PENALTY ASSESSMENT: The District is assessing RCRA and ELRA penalties of \$27,248 for various violations of used oil management and solid waste rules. Departmental costs are \$750.

PENALTY:	Amount: <u>\$27,248</u>
	Costs & Expenses: <u>\$750</u>
	Total: <u>\$27,998</u>



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600
February 14, 2007

Colleen M. Castille
Secretary

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

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

RE: Warning Letter #293141
HOWCO Environmental Services
FLD 152 764 767, Pinellas County

Dear Mr. Hagan:

The Department has received and carefully reviewed your penalty counteroffer for the referenced case. The Department cannot accept your counteroffer of \$13,248.00. Based on the information provided in your counteroffer letter dated September 15, and during the August 29, 2006 meeting, the Department is willing to reduce the penalty from \$38,498 to \$33,498.

The Department has reviewed each violation and the penalty assessment and found it to be consistent with EPA's Enforcement Response Policy and EPA's RCRA Civil Penalty Policy. Florida's purpose in adopting these enforcement response policies is to ensure consistent and appropriate enforcement responses across the state. The following is the Department's detailed response to each violation.

- 1) 279.52(a)(3) Original Penalty-\$6,999/ Counteroffer-\$4,999/Final Offer-NC
Penalty-~~\$6,999~~
The Department does not agree that the penalty for this violation should be assessed as a failure to modify the facility's contingency plan rather than a failure to have an operating alarm system. The failure to have an operating alarm is not a simple paperwork violation. We assessed this violation at the middle of the matrix cell range, and did not calculate multiday penalties even though the inoperable alarm was noted in six months of your facility's inspection records. Reducing the penalty further is not warranted.
- 2) 279.52(b)(4)(v) Original Penalty-Combined with violation #1/Counteroffer-NA/Final Offer-NC
Penalty-~~NC~~
Penalty was combined with violation #1. See violation #1 comments for penalty justification.

- 3) 279.54
112.7(f) Original Penalty-\$500/Counteroffer-\$0/Final Offer-NC
Penalty- \$500
The Department disagrees with your statement that Mr. Dillen, who was present during the inspection, could have given requested information to Department staff on the contents of unidentifiable, unlabeled or poorly labeled containers. Mr. Dillen was requested to and unable to provide this information at the time of the November 2005 inspection. This deficiency was not corrected on subsequent site visits at 59, 101 and 205 days after the inspection. On each of these visits, improperly labeled and open containers were observed, indicating a training deficiency. The new plant manager's training in November 2005 was not a factor in this penalty assessment. Regardless of this, supervision of new plant personnel is required until they receive adequate training.
- 4) 62-710.401(6) Original Penalty-\$500/Counteroffer-\$0/Final Offer-NC
Penalty- \$500
The Department disagrees with your claim that the open containers we observed during the inspection were drip containers providing secondary containment or were containers in active use during plant activities. These containers were observed in many areas of the plant. We often observe plant activities prior to entering the facility. On November 7, 2005 we observed five yard workers in the drum washing area, and no employees in the storage areas where open containers were found. We do not agree to a reduction in this penalty.
- 5) 62-710.401(6) Original Penalty \$625/ Counteroffer-None/Final Offer-NC
Penalty- \$625
No information was provided to refute the violation. No counteroffer was made. No change in penalty.
- 6) 62-710.401(6) Original Penalty \$500/ Counteroffer-None/Final Offer-NC
Penalty- \$500
No information was provided to refute the violation. No counteroffer was made. No change in penalty.
- 7) 62-710.850(5)(a) Original Penalty \$1,000/ Counteroffer-\$0/Final Offer-NC
Penalty- \$1000 - -0.0
The Department disagrees with statements made in your letter. There were no workers in the used filter container storage area at the time of the inspection. The open drums that were observed were in the storage area. There were no dump trailers or roll-off boxes observed in the area and used oil filters were not being transferred to dump trailers or roll-off boxes at the time of the inspection. We do not agree that a reduction in this penalty is warranted
- 8) 62-710.401(6) Original Penalty-\$1000/Counteroffer-None/Final Offer-NC
Penalty- \$1000
No information was provided to refute the violation. No counteroffer was made. No change in penalty.

- 9) 62-710.401(6) Original Penalty-Combined with violation #15/Counteroffer-NA/Final Offer-NC
Penalty- ~~NC~~
Penalty was combined with violation #15. See violation #15 comments for penalty justification.
- 10) Permit Cond. II.8(a) Original Penalty-\$6,999/Counteroffer-\$4,999/Final Offer-\$4,999
Penalty- ~~\$4,999~~
The facility failed to follow the conditions of its operating permit and failed to notify the Department of any restrictions that would prohibit the facility from complying with its operating permit. During the January site visit, the situation was explained to Department personnel and an agreement was reached on how to meet HOWCO's sampling requirements and remain in compliance with the operating permit. This could have been done 12 months prior when the facility changed its procedure to meet market conditions. HOWCO did not contact the Department and had not provided the Department with a written procedure for an alternate sampling scheme. Based on information presented during the enforcement meeting, the deviation from the rule was reduced from moderate to minor.
- 11) Permit Cond. II.8(c)(2) Original Penalty-Combined with violation #10/Counteroffer-NA/Final Offer-NC
Penalty- ~~NC~~
Penalty was combined with violation #10. See violation #10 comment for penalty justification.
- 12) Permit Cond. IV.1(b) Original Penalty-\$3,000/Counteroffer-\$0/Final Offer-NC
Penalty- ~~\$3,000~~
The Department documented this violation with photographs. There was no used oil or water in the bottom of the roll-off. The C&D material observed in the roll-off did not contain recoverable amounts of oil.
- 13) Permit Cond. IV.3(b) Original Penalty-\$1000/Counteroffer-\$0/Final Offer-\$0
Penalty- ~~\$0~~
Base on information provided to the Department on September 15, 2006, the violation was deleted.
- 14) Permit Cond. IV.5(c) Original Penalty-\$2000/ Counteroffer-\$0/Final Offer-\$0
Penalty- ~~\$0~~
Base on information provided to the Department on September 15, 2006, the violation was deleted
- 15) Permit Cond. IV.6(b) Original Penalty-\$12,500/Counteroffer-\$0/Final Offer-NC
Penalty- \$12,500 - \$000
The Department had advised HOWCO during previous inspections of its concern that the containment area may not be impervious and that HOWCO was to assess the area and provide the Department with a report of its findings. HOWCO failed to do so. When HOWCO did clean and power wash the containment area, the Department was able to make the determination that the containment area surface was not impervious as required. The repairs to the secondary containment area falls under HOWCO's required operation and maintenance costs
The repair costs cannot be used to offset penalties for noncompliance.

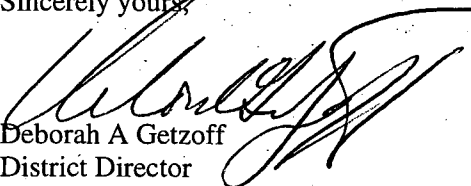
- 16) Permit Cond. IV.6(b) Original Penalty- Combined with violation #15/Counteroffer-NA/Final Offer-NC
Penalty-NA -
No information provided to refute the violation. No counteroffer made. No change in penalty.
- 17) Permit Cond. II.7(d) Original Penalty-\$626/Counteroffer-None/Final Offer-NC
Penalty-(\$625)
No information provided to refute the violation. No counteroffer made. No change in penalty.
- 18) Permit Cond. IV.9 Original Penalty-\$500/Counteroffer-None/Final Offer-NC
Penalty-(\$500)
No information provided to refute the violation. No counteroffer made. No change in penalty.

NC = no change

The Department is willing to resolve this matter through the entry of a Short Form Consent Order that would include the payment of a penalty of \$32,748 plus \$750.00 in Department costs. Arrangements can be made with the Department to make payments in four quarterly installments if needed. The Department believes that this offer is a fair offer and a just resolution of this case. Please respond in writing within 10 days of receipt of this letter indicating if you are willing to accept resolution of this case at the above specified terms. If you are unwilling to settle this case at these terms, the Department will forward this case to USEPA Region 4 for resolution. A revised Penalty Computation Work Sheet has been enclosed for your information.

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

Sincerely yours,


Deborah A Getzoff
District Director
Southwest District

DG/jmd

1 Encl.

cc: Michael P. Petrovich, Hopping Green & Sams, P.A.
Chris McGuire, OGC, Tallahassee
Bheem Kothur, HWR, Tallahassee
Susan Pelz, DEP, SW/Tampa
James Dregne, DEP, HW/Tampa
Compliance File

32,748	27,248	22,248
750	750	750
<hr/>	<hr/>	<hr/>
33,498	27,998	22,998

REVISED 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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000 ---
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod Maj/Min	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,999 \$4,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
13.	Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen 7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000 \$0
14.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen 4	Permit Cond. IV.5(c)	\$2,000	---	---	\$2,000 \$0
15.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000- \$8,000	---	\$2,500	\$12,500- \$8,000
16.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:							\$750
TOTAL PENALTY:							\$38,498 \$33,498

27,998

JAMES M. Dregne
[Signature]
9/4/07

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

=====

NOTES:

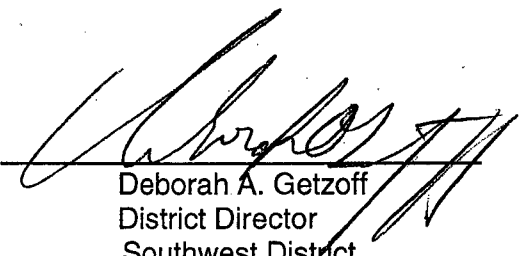
For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].


Deborah A. Getzoff
District Director
Southwest District

2/14/07
Date

Hopping Green & Sams

Attorneys and Counselors

March 9, 2007

By Electronic Mail

Mr. Chris McGuire, Esq.
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Re: HOWCO Environmental Services, Pinellas County
Warning Letter #293141, FLD 152 764 767

Dear Chris:

We are writing on behalf of our client, HOWCO Environmental Services (HOWCO), in response to the above-referenced Warning Letter dated July 21, 2006 (Warning Letter) and the subsequent response from the Department of Environmental Protection (Department) dated February 14, 2007 (Response Letter). HOWCO appreciates the extension of time to respond until March 12, 2007 granted by the Department via email from James Dregne, dated March 2, 2007. HOWCO is providing this letter to facilitate amicable resolution of the issues presented in the Warning Letter and the Response Letter and does not admit any legal liability in connection therewith. This letter, therefore, serves as a privileged and confidential offer of settlement made pursuant to §90.408, Florida Rules of Evidence and §408, Federal Rules of Evidence.

Without admitting to legal liability for any of the alleged violations, HOWCO is willing to accept resolution of the case as noted in the Department's Response Letter to facilitate closure of this matter through entrance into a short form Consent Order, with the exception of the proposed penalties noted in Paragraphs 7, 15, and 16 of the Response Letter. For the reasons provided below, HOWCO requests again that the Department reduce the proposed penalties for the alleged failure to provide an impervious surface for storage of used oil filters, in accordance with Rule 62-710.850(5)(a), F.A.C., alleged failure to provide an impervious surface for storing or processing oily waste solids, in accordance with Permit Condition IV.6(b), and alleged failure to store used oil filters in sealed containers, in accordance with Rule 62-710.850(5)(a), F.A.C., based on the following information.

I. Impervious Surface, Rule 62-710.850(5)(a), F.A.C., Permit Condition IV.6(b)

As explained in the September 15, 2006 letter from HOWCO to the Department (HOWCO letter), although the alleged violations for failure to provide an impervious surface for storage of used oil filters, in accordance with Rule 62-710.850(5)(a), F.A.C., and failure to provide an impervious surface for storing or processing oily waste solids, in accordance with Permit Condition IV.6(b), are cited in the Warning Letter as repeat violations, no violations were ever actually alleged in previous inspection reports for the HOWCO facility, no Notices of

Violations were issued relative to these specific alleged violations, and HOWCO repaired the surface based on notes in pre-2005 Department inspection reports that only the potential for a problem existed. Indeed, the Department's inspection report in 2005 expressed no concerns regarding the integrity of the impervious surface. During the 2006 Department inspection, the surface was being prepared for resealing. At that time, the Department expressed concern with cracks that were being ground, filled with a two part epoxy, and resealed. See attached photograph, provided by the Department via disk following receipt of the Warning Letter, showing HOWCO employees grinding and resealing surface.

As previously stated in the HOWCO letter, prior to receipt of the Warning Letter, HOWCO undertook numerous and repeated efforts to repair the surface and implemented additional protective measures with regard to the potential problems that the Department staff noted in inspection reports prepared prior to receipt of the Warning Letter. In fact, the impervious surface had been repaired seemingly to the Department's satisfaction prior to receipt of the Warning Letter as evidenced by the fact that the Department's 2005 inspection report was silent relative to any agency concern regarding the impervious nature of the surface. Although the Response Letter notes that the costs for repairs to the secondary containment area are operation and maintenance costs that cannot be used to offset penalties for noncompliance, HOWCO expended funds for additional preventative measures, including the installation of steel plates on the impervious surface to prevent gouging of the surface. HOWCO reported implementation of these additional protective measures to the Department and provided the Department with pictures demonstrating their implementation.

The Department notes in Paragraph 16 of the Response Letter that HOWCO did not provide information to refute the alleged violation. However, in the HOWCO letter, the alleged violations found in Paragraphs 15 and 16 of the Response Letter are both addressed in Paragraph V. of the HOWCO letter. Thus, based on the foregoing information, HOWCO respectfully requests that the Department reduce the proposed penalty of \$12,500 for these alleged violations by \$9,500 resulting in a total of \$3,000.

II. Storage of used oil filters in sealed containers, Rule 62-710.850(5)(a), F.A.C.

The alleged violation for failure to store used oil filters in sealed containers, in accordance with Rule 62-710.850(5)(a), F.A.C., was also addressed in the HOWCO letter. The Warning Letter attached photographs of several containers that were only ajar by approximately one inch. See attached photograph, provided by the Department via disk following receipt of the Warning Letter, showing lid slightly ajar. These containers were located in the secondary containment area. Thus, the possibility of any environmental impacts from these containers was minimal to non-existent.

In addition, as explained in the HOWCO letter, the containers were left slightly ajar when the HOWCO employees exited the area during the inspection as they are trained to do as a safety precaution when visitors are in the area. Thus, the Department's statement in the Response Letter that "there were no workers in the used filter container storage area at the time of the inspection" is consistent with HOWCO's internal policy. Prior to the arrival of the Department's

inspectors, HOWCO employees were in the area removing lids from storage containers to inspect and verify the contents of the containers prior to emptying the containers into dump trailers or roll-off boxes. See attached photograph, provided by the Department via disk following receipt of the Warning Letter, showing employees exiting area at time of inspection.

The Response Letter states that no dump trailers or roll-off boxes were observed in the area at the time of the inspection. However, dump trailers were on site at the time of the inspection and were available for transfer of the used oil filters once the HOWCO employees finished the inspection and verification of the contents of the containers. In addition, the Response Letter states that "used oil filters were not being transferred to dump trailers or roll-off boxes at the time of the inspection." As explained above, the HOWCO employees had exited the area at the time of the inspection and therefore, the Department's inspectors did not observe the activities of the HOWCO employees and therefore, cannot state what work was being conducted at the time of the inspection. The inspection was conducted during normal work hours and as previously noted, the HOWCO employees were opening containers to verify and inspect the contents prior to transfer of the contents to the dump trailers.

HOWCO must be able to open containers for inspection and transfer of contents. The opening of the containers occurs regularly during normal work hours. At the close of business, all containers are inspected to ensure that they are properly sealed and protected from the weather. Thus, based on the foregoing information, HOWCO respectfully requests that the Department waive the proposed penalty of \$1,000 for this alleged violation.

HOWCO is committed to working with the Department and to ensuring environmental compliance at its facility. Once you have reviewed this letter, please contact us so that we may arrange a meeting or conference call to discuss these issues further.

Sincerely,

Hopping Green & Sams, P.A.



Michael P. Petrovich
Karyl L. Alderman

Attorneys for HOWCO Environmental Services

cc: Deborah A. Getzhoff, FDEP
James Dregne, FDEP
Susan Pelz, FDEP
Bheem Kothur, FDEP
Mike Wolfe, HOWCO

Hopping Green & Sams

Attorneys and Counselors

REVISED 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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod Maj/Min	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,999 \$4,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
13.	Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen 7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000 \$0
14.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen 4	Permit Cond. IV.5(e)	\$2,000	---	---	\$2,000 \$0
15.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000- \$8,000	---	\$2,500	\$12,500
16.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:							\$750
TOTAL PENALTY:							\$38,498 \$33,498

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

=====

NOTES:

For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

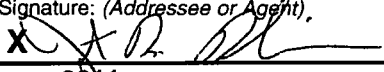
For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].


Deborah A. Getzoff
District Director
Southwest District

2/14/07
Date

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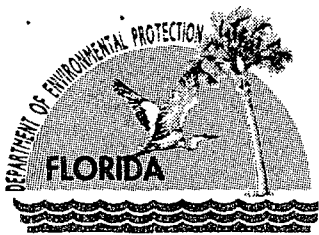
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FEB 21 2007

State of Florida
Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Kim Daegne
Waste Mgt



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

February 14, 2007

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

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

RE: Warning Letter #293141
HOWCO Environmental Services
FLD 152 764 767, Pinellas County

Dear Mr. Hagan:

The Department has received and carefully reviewed your penalty counteroffer for the referenced case. The Department cannot accept your counteroffer of \$13,248.00. Based on the information provided in your counteroffer letter dated September 15, and during the August 29, 2006 meeting, the Department is willing to reduce the penalty from \$38,498 to \$33,498.

The Department has reviewed each violation and the penalty assessment and found it to be consistent with EPA's Enforcement Response Policy and EPA's RCRA Civil Penalty Policy. Florida's purpose in adopting these enforcement response policies is to ensure consistent and appropriate enforcement responses across the state. The following is the Department's detailed response to each violation.

- 1) 279.52(a)(3) Original Penalty-\$6,999/ Counteroffer-\$4,999/Final Offer-NC
Penalty- \$6,999
The Department does not agree that the penalty for this violation should be assessed as a failure to modify the facility's contingency plan rather than a failure to have an operating alarm system. The failure to have an operating alarm is not a simple paperwork violation. We assessed this violation at the middle of the matrix cell range, and did not calculate multiday penalties even though the inoperable alarm was noted in six months of your facility's inspection records. Reducing the penalty further is not warranted.
- 2) 279.52(b)(4)(v) Original Penalty-Combined with violation #1/Counteroffer-NA/Final Offer-NC
Penalty- NC
Penalty was combined with violation #1. See violation #1 comments for penalty justification.

- 3) 279.54
112.7(f) Original Penalty-\$500/Counteroffer-\$0/Final Offer-NC
Penalty- \$500
The Department disagrees with your statement that Mr. Dillen, who was present during the inspection, could have given requested information to Department staff on the contents of unidentifiable, unlabeled or poorly labeled containers. Mr. Dillen was requested to and unable to provide this information at the time of the November 2005 inspection. This deficiency was not corrected on subsequent site visits at 59, 101 and 205 days after the inspection. On each of these visits, improperly labeled and open containers were observed, indicating a training deficiency. The new plant manager's training in November 2005 was not a factor in this penalty assessment. Regardless of this, supervision of new plant personnel is required until they receive adequate training.
- 4) 62-710.401(6) Original Penalty-\$500/Counteroffer-\$0/Final Offer-NC
Penalty- \$500
The Department disagrees with your claim that the open containers we observed during the inspection were drip containers providing secondary containment or were containers in active use during plant activities. These containers were observed in many areas of the plant. We often observe plant activities prior to entering the facility. On November 7, 2005 we observed five yard workers in the drum washing area, and no employees in the storage areas where open containers were found. We do not agree to a reduction in this penalty.
- 5) 62-710.401(6) Original Penalty \$625/ Counteroffer-None/Final Offer-NC
Penalty- \$625
No information was provided to refute the violation. No counteroffer was made. No change in penalty.
- 6) 62-710.401(6) Original Penalty \$500/ Counteroffer-None/Final Offer-NC
Penalty- \$500
No information was provided to refute the violation. No counteroffer was made. No change in penalty.
- 7) 62-710.850(5)(a) Original Penalty \$1,000/ Counteroffer-\$0/Final Offer-NC
Penalty- \$1000
The Department disagrees with statements made in your letter. There were no workers in the used filter container storage area at the time of the inspection. The open drums that were observed were in the storage area. There were no dump trailers or roll-off boxes observed in the area and used oil filters were not being transferred to dump trailers or roll-off boxes at the time of the inspection. We do not agree that a reduction in this penalty is warranted
- 8) 62-710.401(6) Original Penalty-\$1000/Counteroffer-None/Final Offer-NC
Penalty- \$1000
No information was provided to refute the violation. No counteroffer was made. No change in penalty.

- 9) 62-710.401(6) Original Penalty-Combined with violation #15/Counteroffer-NA/Final Offer-NC
Penalty- NC
Penalty was combined with violation #15. See violation #15 comments for penalty justification.
- 10) Permit Cond. II.8(a) Original Penalty-\$6,999/Counteroffer-\$4,999/Final Offer-\$4,999
Penalty- \$4,999
The facility failed to follow the conditions of its operating permit and failed to notify the Department of any restrictions that would prohibit the facility from complying with its operating permit. During the January site visit, the situation was explained to Department personnel and an agreement was reached on how to meet HOWCO's sampling requirements and remain in compliance with the operating permit. This could have been done 12 months prior when the facility changed its procedure to meet market conditions. HOWCO did not contact the Department and had not provided the Department with a written procedure for an alternate sampling scheme. Based on information presented during the enforcement meeting, the deviation from the rule was reduced from moderate to minor.
- 11) Permit Cond. II.8(c)(2) Original Penalty-Combined with violation #10/Counteroffer-NA/Final Offer-NC
Penalty- NC
Penalty was combined with violation #10. See violation #10 comment for penalty justification.
- 12) Permit Cond. IV.1(b) Original Penalty-\$3,000/Counteroffer-\$0/Final Offer-NC
Penalty- \$3,000
The Department documented this violation with photographs. There was no used oil or water in the bottom of the roll-off. The C&D material observed in the roll-off did not contain recoverable amounts of oil.
- 13) Permit Cond. IV.3(b) Original Penalty-\$1000/Counteroffer-\$0/Final Offer-\$0
Penalty- \$0
Base on information provided to the Department on September 15, 2006, the violation was deleted.
- 14) Permit Cond. IV.5(c) Original Penalty-\$2000/ Counteroffer-\$0/Final Offer-\$0
Penalty- \$0
Base on information provided to the Department on September 15, 2006, the violation was deleted
- 15) Permit Cond. IV.6(b) Original Penalty-\$12,500/Counteroffer-\$0/Final Offer-NC
Penalty- \$12,500
The Department had advised HOWCO during previous inspections of its concern that the containment area may not be impervious and that HOWCO was to assess the area and provide the Department with a report of its findings. HOWCO failed to do so. When HOWCO did clean and power wash the containment area, the Department was able to make the determination that the containment area surface was not impervious as required. The repairs to the secondary containment area falls under HOWCO's required operation and maintenance costs
The repair costs cannot be used to offset penalties for noncompliance.

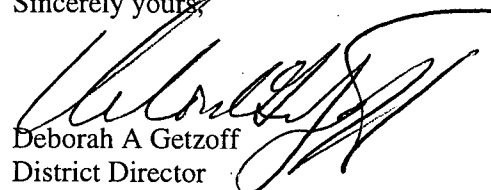
- 16) Permit Cond. IV.6(b) Original Penalty- Combined with violation #15/Counteroffer-NA/Final Offer-NC
Penalty-NA
No information provided to refute the violation. No counteroffer made. No change in penalty.
- 17) Permit Cond. II.7(d) Original Penalty-\$626/Counteroffer-None/Final Offer-NC
Penalty- \$625
No information provided to refute the violation. No counteroffer made. No change in penalty.
- 18) Permit Cond. IV.9 Original Penalty-\$500/Counteroffer-None/Final Offer-NC
Penalty- \$500
No information provided to refute the violation. No counteroffer made. No change in penalty.

NC = no change

The Department is willing to resolve this matter through the entry of a Short Form Consent Order that would include the payment of a penalty of \$32,748 plus \$750.00 in Department costs. Arrangements can be made with the Department to make payments in four quarterly installments if needed. The Department believes that this offer is a fair offer and a just resolution of this case. Please respond in writing within 10 days of receipt of this letter indicating if you are willing to accept resolution of this case at the above specified terms. If you are unwilling to settle this case at these terms, the Department will forward this case to USEPA Region 4 for resolution. A revised Penalty Computation Work Sheet has been enclosed for your information.

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

Sincerely yours,


Deborah A Getzoff
District Director
Southwest District

DG/jmd

1 Encl.

cc: Michael P. Petrovich, Hopping Green & Sams, P.A.
Chris McGuire, OGC, Tallahassee
Bheem Kothur, HWR, Tallahassee
Susan Pelz, DEP, SW/Tampa
James Dregne, DEP, HW/Tampa
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, FL 33711

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

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod Maj/Min	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,999 \$4,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
13.	Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen 7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000 \$0
14.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen 4	Permit Cond. IV.5(c)	\$2,000	---	---	\$2,000 \$0
15.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000- \$8,000	---	\$2,500	\$12,500
16.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:							\$750
TOTAL PENALTY:							\$38,498 \$33,498

REVISED PENALTY COMPUTATION WORKSHEET (CONTINUED)

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: Jim Dregne

ComHaz Case #: 293141

Date: February 1, 2007

=====

NOTES:

For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

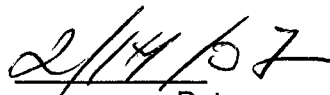
For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].


Deborah A. Getzoff
District Director
Southwest District


Date

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:

[Signature] Deborah A. Getzoff, District Director

THROUGH:

[Signature] William Kutash, Waste Program Administrator

FROM:

[Signature] James Dregne, Hazardous Waste Program Manager *2/12*

DATE:

February 12, 2007

FILE NAME: **HOWCO Environmental Services**

COUNTY: Pinellas

PROGRAM: Hazardous Waste

PROJECT # 293141

TYPE OF DOCUMENT: COUNTER OFFER RESPONSE LETTER WITH REVISED PENALTY WORKSHEET.

DESCRIPTION OF VIOLATIONS: This project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/7/05, 1/5/06 and 6/1/06 it was observed that the facility had eighteen (18) violations of used oil, used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS: The remaining violations have been corrected.

PENALTY ASSESSMENT: The District is assessing RCRA and ELRA penalties of \$37,748 for various violations of used oil management and solid waste rules. Departmental costs are \$750.

Penalties were assessed in accordance with penalty guidelines under RCRA and ELRA (403.121, F.S.). Original penalty was \$37,748. Facility presented counteroffer of \$13,248 which was rejected by Department. Violations #13 and #14 deleted based on additional information provided to the Department. Penalty reduced by \$5,000. Final penalty and cost offer by Department is \$33,498.

PENALTY:

Amount: \$32,748

Costs & Expenses: \$750

Total: \$33,498

Please see page 2 justification for reduction.
Thanks!
Jim

ATTACHMENTS: Revised Penalty Assessment Worksheet

PENALTY ASSESSMENT ADJUSTMENT:

VIOLATION #10 - *Failure to follow sampling protocol.* - The deviation from the rule was reduced from moderate deviation to minor deviation based on a review of sampling data provided by HOWCO. The company was performing random sampling except on several occasions when market conditions resulted in a limited inventory and three or fewer tanks available to sample from. It was also determined that HOWCO was conducting sampling every two weeks except on two occasions. HOWCO conducted 24 of 26 required samplings. It was also brought to the Department's attention that since random sampling began in 2000 (186 samples), there has not been any samples that exceeded applicable criteria. The reduction from moderate deviation to minor deviation resulted in a correction in the penalty matrix that was used. The matrix was adjusted from \$6,000-\$7,999 to \$4,600-\$5,999. This resulted in the penalty being reduced \$2,000.

VIOLATION #13 - *Failure to repair or replace processing equipment within one week of discovery.* - The violation was deleted based on information provided during the enforcement meeting and in the Hopping Green & Sams letter dated September 12, 2006. It was determined that HOWCO had adequate operational reserve equipment (2 vac trucks) to respond in case of an emergency. The one non-operational vac truck was not required because the facility was not at its permitted capacity. The permit does not specify a specific number of vac trucks that are required to be operational at all time.

VIOLATION #14 - *Failure to sample and analyze and characterize material to meet disposal facility criteria.* - Following a complete review of the inspector's notes, the Department was unable to determine specific instances where HOWCO failed to conduct a proper analysis. Because this violation can not be supported with specific examples, the violation and penalty was dropped.

Dregne, James

From: Gephart, Albert
Sent: Monday, September 18, 2006 8:51 AM
To: Dregne, James; McGuire, Chris; Pelz, Susan
Subject: AFG ist Draft on HOWCO RESPONSE TO WARNING LETTER / PENALTIES

Item I. The Department included the citation for failure to amend the Contingency Plan into the citation addressing HOWCO's failure to provide emergency equipment. Therefore, the penalty covers both citations. The request to change the penalty based on the Contingency Plan is unfounded. Also, the Department only assessed a mid-range penalty. The seriousness of not having an operational alarm system for six (6) months could well have been assessed at \$7,999 (top of the range in the penalty matrix) plus multiday penalties of \$468,000.00. HOWCO has been provided a substantial reduction. Reducing the penalty further is not warranted.

Item II. New facility personnel are to be supervised until adequately trained. This includes HOWCO's Plant manager. On the November 7, 2005, inspection, the Plant manager was not at the facility. Mr. Dillen escorted Department staff. On that occasion there were many containers that were not labeled or improperly labeled whose contents could not be identified by facility personnel or Mr. Dillen. On subsequent visits (at 59, 101 and 205 days after the November 2005, inspection) there was still confusion and incidences of improper labeling of containers and open containers. As evidenced on all four site visits, this was an on-going issue that was not resolved and the penalty is justified.

Item III. Based on the November 7, 2005, compliance inspection and other inspections of the facility, the Department does not feel that HOWCO could provide assurance during that time period that containers were sealed or protected from the weather. Containers other than 5-gallon buckets were observed. Department personnel frequently stand at the fence line and observe operations prior to seeking an escort to inspect the facility. During these site visits facility personnel had to be called to the inspection area to assist. On November 7, 2005, there were five workers all in the drum washing area. There were no activities in the storage areas other than on February 16, 2006, when workers were working on the repair of the secondary containment area.

Item IV. Upon visiting the facility there were no workers in the used filter container storage area. The open drums that were observed were in storage. There were no dump trailers or roll-off boxes observed in the area and used oil filters were not being transferred to dump trailers or roll-off boxes.

Item V. Due to the staining and debris on the surface of the secondary containment area, Department personnel deferred citing HOWCO for not having an impervious surface in secondary containment. The Department advised HOWCO that this was an area of concern and requested HOWCO to assess the containment area and provide the Department with a report of its findings. HOWCO failed to do so. When HOWCO did clean and power wash the area the Department was able to make the determination that the containment area surface was not impervious as required. The repair to the secondary containment area falls under HOWCO's cost of doing business. The repair costs cannot be used to offset penalties.

Items VI and VII and IX. SOLID WASTE SECTION - Comments.

Item VIII. The facility failed to follow the conditions of its operating permit and failed to notify the Department of any restrictions that would prohibit the facility from complying with its operating permit. During the January site visit, the situation was explained to Department personnel and an agreement was reached on how to meet HOWCO's sampling requirements and remain in compliance with the operating permit. This could have been done 12 months prior when the facility changed its procedure to meet market conditions. There was no evidence that HOWCO used its best judgement to develop a random sampling scheme. HOWCO did not contact the Department and had not provided the Department with a written procedure for an alternate sampling scheme.

As a side-note, the Department has cited HOWCO on many occasions for not operating in accordance with State and Federal rules and regulations and the facility's operating permit. Several of those citations resulted because of HOWCO's decision to conduct activities to resolve a deficiency or operating problem. I don't recall HOWCO ever contacting the Department to discuss the issues and work with the Department to resolve the issues. It appears that the facility continued to do business for its benefit rather than abiding by the rules and regulations governing its operations.

AFG

9/20/2006

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

Gephart, Albert

From: MIKE P PETROVICH [MIKEP@hgslaw.com]
Sent: Friday, September 15, 2006 4:18 PM
To: Gephart, Albert
Cc: McGuire, Chris; Dregne, James; Pelz, Susan; Karyl Alderman; MikeWolfe@howcousa.com
Subject: HOWCO Response to Warning Letter



Howco.pdf

Al - Please see attached response to the July 21, 2006 Warning Letter. Please contact me with any questions or comments. Thank you.

Michael P. Petrovich
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314-6526
(850) 425-2254
(850) 224-8551 (fax)
Email: petrovichm@hgslaw.com
Legal Assistant: Rebecca L. Heller
Email: RebeccaH@hgslaw.com

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Hopping Green & Sams

Attorneys and Counselors

September 15, 2006

By Electronic Mail

Mr. Albert F. Gephart
Florida Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-7600

Re: HOWCO Environmental Services, Pinellas County
Warning Letter #293141, FLD 152 764 767

Dear Al:

We are writing on behalf of our client, HOWCO Environmental Services (HOWCO), in response to the above-referenced Warning Letter dated July 21, 2006 (Warning Letter). HOWCO is providing this letter to facilitate amicable resolution of the issues presented in the Warning Letter and does not admit any legal liability in connection therewith. This letter, therefore, serves as a privileged and confidential offer of settlement made pursuant to §90.408, Florida Rules of Evidence and §408, Federal Rules of Evidence. The following information is provided in response to the violations cited in the Warning Letter and subsequent Penalty Computation Worksheet, dated August 16, 2006.

I. Failure to Maintain Emergency Equipment (40 CFR 279.52(a)(3)) and Failure to Amend the Facility Contingency Plan (40 CFR 279.52(b)(4)(v))

The loudspeaker in the HOWCO plant ceased to operate and is beyond repair. HOWCO replaced the loudspeaker with a megaphone based on the use of such devices by police and fire departments for emergency purposes. HOWCO will ensure that megaphones are kept in the laboratory, the Plant Manager's office, and in the plant. HOWCO will also provide written notification to the Department regarding the use of megaphones in the plant and will amend the plant's contingency plan accordingly. Because the failure to amend the plant's contingency plan has only minor potential for harm, HOWCO requests that the Department reduce the proposed penalty of \$6,999 to \$4,999.

II. Failure to Adequately Train Personnel (40 CFR 279.54; 40 CFR 112.7(f))

The Warning Letter states that the Plant Manager and facility personnel were unable to provide inspectors with information on the contents of drums and were unable to explain the labels on containers. *See* Warning Letter, Pg. 3. The Plant Manager was hired less than thirty days prior to the time of the inspection, and therefore was not familiar yet with some of the drums and containers which had recently been delivered. Training of such personnel is required under HOWCO's operating permit (Permit), by reference to Rule 62-710.600(2)(b)4., F.A.C., within 90 days of beginning employment. The inspection was conducted prior to this deadline and prior to the time the Plant Manager received full training on the plant's operations. In addition, Richard Dillen, the Facility Technical Manager, is responsible for maintaining information regarding all the drums delivered to the facility and is able to provide information to appropriate personnel and Department representatives, as needed. Mr. Dillen was present at the time of each inspection and could have easily provided the requested information to Department staff.

HOWCO also provides extensive training for all personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility's Spill Prevention, Control, and Countermeasure Plan, as required by 40 CFR 112.7(f). In addition, supervisors and managers receive additional training in safety, regulatory, and operational protocols. HOWCO is committed to providing all necessary training. HOWCO maintains records on personnel training and can provide these at the Department's request. Based on this information, HOWCO requests that the Department waive the \$500 penalty proposed for this alleged violation.

III. Failure to Seal or Otherwise Protect From the Weather Containers of Used Oil; Rule 62-710.401(6), F.A.C.

During the inspections, open containers of used oil were observed by Tank #170. *See* Warning Letter, Pg. 2. These containers are used to prevent potential environmental impacts from hoses and connection valves by placement under the equipment during processing. The containers are covered when the equipment is not in use, during and after each shift, and are routinely emptied throughout the day. Since the containers are not used for storage, but to prevent spills and drips from processing equipment, it is necessary for the containers to remain open.

In the August 29, 2006 meeting between Department and HOWCO representatives, Department staff asserted that these containers were not regularly emptied, based on a five gallon bucket that was observed to be approximately two-thirds full. However, these buckets are also used to prevent spills when emptying or changing the hoses that the buckets are positioned under. A single twenty-foot hose three inches in diameter could contain up to ten gallons of oil. Thus, while hoses are being changed, the remaining oil from the hoses that may drain into the

buckets could easily equal approximately four gallons of oil. Facility personnel also empty these containers after such hose changes.

In addition, draining of received oil and oily water mixtures is conducted routinely during each shift, requiring that drums be opened and emptied. HOWCO personnel are trained to cease operations for safety purposes when visitors are in the area and may have left a container open when operations were momentarily halted during the Department's inspections. HOWCO ensures that all containers are sealed and protected from the weather at the end of each shift or when containers are not in use. Since these drums may have been open as part of HOWCO's efforts to protect the environment by preventing spills and drips during processing, and by attempting to provide additional safety measures when visitors are at the facility, HOWCO requests that the Department waive the \$500 penalty proposed for this alleged violation.

IV. Failure to Store Used Oil Filters in Sealed Containers; Rule 62-710.850(5)(a), F.A.C.

HOWCO personnel loads drummed oil filters into roll-off boxes or dump trailers for delivery to the foundry daily. The lids and lock rings on the used oil filter drums are removed during this process to facilitate emptying of the drums into the dump trailers. As noted in Paragraph III above, HOWCO personnel are trained to cease operations for safety purposes when visitors are in the area and may have left containers open when operations were momentarily halted during the Department's inspections. All containers are properly sealed and protected from weather at the end of each shift. In addition, all containers are kept in secondary containment during processing, thus the potential for discharge to the environment is minimal to nonexistent. In addition, during processing, mesh tarps may be used to cover roll-off boxes and drums temporarily to prevent any loose debris from spilling during operations. Based on this information, HOWCO requests that the Department waive the penalty of \$1,000 proposed for this alleged violation.

V. Failure to Provide an Impervious Surface for Storage of Used Oil Filters; 62-710.850(5)(a); and Failure to Provide an Impervious Surface for Storing or Processing Oily Waste Solids; Permit Condition IV.6(b)

Department staff noted potential problems with the impervious surface in previous inspection reports, though no notice of violation was ever issued. In response to the inspection reports, HOWCO undertook numerous and repeated efforts to power wash and repair the surface, including grinding down and resealing the surface in 2005. In direct response to Department concerns expressed to HOWCO representatives prior to the July 21, 2006 Warning Letter, HOWCO put down steel plates to prevent gouges during movement of roll-off boxes and drums over the impervious surface. Pictures of the steel plates were provided to Department staff in a meeting on August 29, 2006. The total cost for the repairs undertaken since 2005 is approximately \$47,853, which does not include costs incurred by HOWCO as part of its prior attempts to power wash and re-seal the surface based on Department concerns noted in the inspection reports. In fact, all of these costs were incurred prior to receipt of the Warning Letter.

Thus, HOWCO has repaired the potential problem and undertaken preventative measures at great expense and seemingly to the Department's satisfaction. In addition, although this is cited in the Warning Letter as a repeat violation, no violation was ever actually alleged in the previous inspection reports and HOWCO repaired the surface based on notes in the inspection reports that only the potential for a problem existed. Thus, HOWCO requests that the Department waive the proposed penalty of \$12,500 for this alleged violation in its entirety.

VI. Failure to Perform Acceptance Screening on Materials Prior to Processing or Storage;
Permit Condition IV.1(b)

Two shipments of drums were noted by the Department inspector as containing what appeared to be unacceptable materials. *See* Warning Letter, Pgs. 2-3. The first shipment was drums containing asphalt flux from a tank cleaning project, tyvec suits contaminated with asphalt flux and liquid asphalt, and a de minimis amount of trash (lunch bags and cups deposited by the tank cleaning crew). HOWCO can provide the current profile sheet and analyticals on these drums that indicates that these drums were screened and determined, prior to processing, to contain acceptable materials under the Permit.

The second shipment was cited as containing construction and demolition debris. *See* Warning Letter, Pgs. 2-3. This shipment did not consist of construction and demolition debris, but primarily contained recovery and vacuum hoses contaminated with used oil. The shipment did contain de minimis amounts of trash and wooden pallets contaminated with used oil. The wooden pallets were likely used to stage the hoses at HOWCO's Ocala facility prior to disposal in the roll-off. This solid waste material is not altogether materially different than the solid waste that HOWCO is allowed to process under the Permit. Under Special Condition IV.1(b)(8) of the Permit, HOWCO may accept, process, store or otherwise manage, "non-hazardous, non-liquid waste streams generated from the on-site used oil processing and industrial wastewater pretreatment facilities." While the items in this shipment were not generated on-site at the St. Petersburg facility, they were generated as a result of on-site used oil processing activities at HOWCO's Ocala facility. Indeed, this material would not have been acceptable for disposal at a landfill pursuant to Rule 62-701.300(10), due to the amount of liquid (used oil/water) in the roll-off. By accepting the solid waste material and subsequently recovering the water and used oil commingled with the solid waste material, HOWCO provided greater protection to the environment and its processing of the solid waste material made it acceptable for disposal in accordance with Department rules. This one-time shipment of materials was transferred for disposal to Okeechobee Landfill (WMX) soon after receipt and removal of the used oil at the St. Petersburg facility.

Based on this information, HOWCO requests that the Department reduce this proposed penalty by \$3,000.

VII. Failure to Sample, Analyze, and Characterize Materials to Meet Disposal Facility Criteria; Permit Condition IV.5(c)

No information is provided in the Department's Warning Letter to support this allegation and HOWCO does not know what specific events or operative facts the Department is attempting to cite as a violation. *See* Warning Letter, Pg. 4. Unless more detail is provided by the Department, this alleged violation should be dismissed.

VIII. Failure to Follow the Required Sampling Protocol for Processed Oil; Permit Cond. II.8(a); and Failure to Perform Required Analyses of Processed Oil; Permit Cond. II.8(c)(2)

The Warning Letter alleges that HOWCO had not been following the random sampling procedure as specified in the Permit and that HOWCO did not sample one tank (or batch) every two weeks as required under the Permit. *See* Warning Letter, Pg. 4. Due to market conditions, HOWCO has had a limited inventory of oil from which to draw random samples. Consequently, the random sampling was limited to two, and at times, three full storage tanks of processed oil, of which HOWCO sampled one tank (i.e., batch) as required by the Permit. HOWCO used its best judgment to develop a random sampling scheme and comply with Special Condition II.8(c)(2) in conducting this random sampling. From January 1, 2000 through the present, approximately 186 samples of processed oil have been analyzed and no constituents have been detected above the relevant and applicable criteria.

In addition, it is noted in the Warning Letter that the failure to sample one tank (or batch) every two weeks was corrected by HOWCO. *See* Warning Letter, Pg. 6. However, despite this correction, a substantial penalty is still proposed for this violation. Based on this information, HOWCO requests that the Department reduce the penalty proposed for the alleged violation by \$2,000.

IX. Failure to Repair or Replace Processing Equipment Within One Week of Discovery; Permit Condition IV.3(b)

The Department cited HOWCO's failure to repair a vacuum truck within one week of discovery. *See* Warning Letter, Pg. 2. HOWCO maintains three vacuum trucks, two of which were operational at the time. Thus, in accordance with the Permit, HOWCO had sufficient reserve equipment available and additionally, the facility was not at permitted storage capacity at the time that the vacuum truck was not operational. Therefore, this proposed penalty should be waived, as no violation existed in the first instance.

September 15, 2006
Letter to Gephart
Page 6 of 6

Based on the foregoing information, HOWCO requests that the Department reduce the total penalty proposed to \$13,248. HOWCO is committed to working with the Department and to ensuring environmental compliance at its facility. Please contact us with any questions or comments.

Sincerely,

Hopping Green & Sams, P.A.



Michael P. Petrovich
Karyl L. Alderman
Attorneys for HOWCO Environmental Services

cc: James Dregne, FDEP
Susan Pelz, FDEP
Chris McGuire, Esq., FDEP
Mike Wolfe, HOWCO

Hopping Green & Sams

Attorneys and Counselors

Gephart, Albert

From: Dregne, James
Sent: Wednesday, September 13, 2006 2:46 PM
To: 'MIKE P PETROVICH'
Cc: McGuire, Chris; MikeWolfe@howcousa.com; Kutash, William; Gephart, Albert
Subject: RE: Response to Warning Letter - HOWCO - St. Petersburg

Mike,

Your request for a two day extension for the HOWCO response to the Warning Letter is approved.

Are you requesting a copy of the Department's inspection report for the HOWCO inspection that was conducted on March 4 and April 1, 2004, and forwarded to HOWCO in the July 15, 2004 Warning Letter?

Jim.

JAMES M. DREGNE
FL. DEPT OF ENVIRONMENTAL PROTECTION
Environmental Manager
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
ph (813) 632-7600 ext.410, fax (813) 632-7664
james.dregne@dep.state.fl.us <mailto:james.dregne@dep.state.fl.us>

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

From: MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]
Sent: Wednesday, September 13, 2006 11:02 AM
To: Dregne, James
Cc: McGuire, Chris; MikeWolfe@howcousa.com
Subject: Response to Warning Letter - HOWCO - St. Petersburg

Jim - HOWCO is currently preparing its response to the agency's warning letter and penalty computation. We would respectfully request an additional two days, to and until the close of business on Friday, September 15, 2006 within which to provide this response. In that regard, a response from the agency on the existence of a 2004 inspection report for the facility would also be helpful to us in completing our response. Thank you for your consideration of this request. Unless I hear from you or Chris McGuire to the contrary, we will submit the response no later than Friday, September 15, 2006. Thank you again for your cooperation in this regard.

Michael P. Petrovich
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314-6526
(850) 425-2254
(850) 224-8551 (fax)
Email: petrovichm@hgslaw.com
Legal Assistant: Rebecca L. Heller
Email: RebeccaH@hgslaw.com

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Thank you.

Howco

11/7/05

Initial Compliance Inspection Visit

50 or 57 drums of GAF-FLUX

WAS TO BE INTENTIONALLY MANAGED AS SOLID WASTE
NO RECOVERABLE MATERIAL

LABELED USED OIL

DOCUMENTED AS USED OIL - NOT
SNIFFED

DRUMS
MARKED
OF DIFFERENT
CONTENTS
STORED TOGETHER

used oil

sludge

garbage

} some will have to be sent back

they've been stored on site over 2 weeks

Evacuation route posted but not emergency equip. location.

Roll-off box with a mesh material for a cover.

Used oil fittings for recycle label with a band written,
marking, "sludge".

2 uof drums - not labeled properly

Hole in lid of roll-off box

Howco

~~12/1/05~~

~~Compliance inspection - Initial visit~~
~~5/18/05 57 drums of UOF - F&W~~

12/1/05

Observed a roll-off box ~~labeled~~ labeled "sludge" - standing oil - did not see a liner.

Site visit to provide info on PCW and need to file an annual report

1/5/06

Follow-up to compliance inspection to review operating records

- 1 container of UOF with no lid and no lid seal in the area
- 8 drums of used oil labeled "oil" or "oil waste"
- 33 drums next to tank #181 labeled "water & oil mixed"
- One roll-off of processed solids, lined and covered but no label (corrected during site visit). Oil on pavement around roll-off box.

6/1/06

- 1 Roll-off of processed solid waste labeled "absorbent"
- 4 drums of UOF not sealed

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 #: 293141

Date: August 16, 2006

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000
13.	Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen-7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000

PENALTY COMPUTATION WORKSHEET (CONTINUED)

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 #: 293141

Date: August 16, 2006

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
14.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen-4	Permit Cond. IV.5(c)	\$2,000	---	---	\$2,000
15.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000-\$8,000	---	\$2,500	\$12,500
16.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:							\$750
TOTAL PENALTY:							\$38,498

PENALTY COMPUTATION WORKSHEET (CONTINUED)

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 #: 293141

Date: August 16, 2006

=====

NOTES:

For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

J.M. Farley
Interim District Director
Southwest District

Date

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: 11/07/05 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 checked="" 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

Danielle Nichols - FDEP

Richard Dillen - HOWCO

Bret Galbraith - FDEP

Juan Rullier, 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

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil and accepts oily waste solids which are processed and solidified prior to disposal at a landfill. The processing of solid wastes is overseen by the Department's Solid Waste Management Program that also participated in this inspection.

Upon inspecting the used oil processing area it was observed that there were three open containers of used oil in the area of tank #170. Failure to label containers of used oil and failure to seal containers of used oil, or otherwise protect them from the weather, are violations of **62-710.401(6), FAC**.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. The solidified wastes are managed as non-hazardous material. On two inspection dates, November 7, 2005 and on January 5, 2006, the drum storage area on the south side of the property, west and east of the used oil filter crusher, was inspected. On 11/7/05 it was observed that the surface of the secondary containment area was no longer "impervious" as required. HOWCO had been advised in past compliance inspections dated 8/13/01, 7/24/02 and 6/24/03 that this was an area of concern to the Department and that HOWCO was to assess this area by power washing the surface, inspecting the integrity of the concrete floor and seal coat and make repairs, as needed. On this inspection it was observed that there were cracks throughout the entire containment area and the entire area was not impervious to contaminants. This is a violation of **62-710.850(5)(a), FAC**. During a follow-up site visit on June 1, 2006, it was observed that the facility had cleaned and re-sealed the secondary containment area. However, there were areas in which the sealant had been gouged off due to the movement of roll-off boxes in and out of the area. The facility needs to address how they will ensure an impervious surface.

At the time of the 11/7/05 inspection, there were five (5) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, one contained demolition and yard debris, one contained used oil filters and the fifth was empty. It was observed that one roll-off box of processed material had a puncture in one of its plastic "doors". This is a violation of **Specific Condition IV.6(b)** in the facility's operating permit which requires that all processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces. Also observed was one covered roll-off box containing processed waste which was labeled "EMPTY". This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit which states that such containers shall be labeled "Processed Solid Waste". During the inspection, facility personnel stated that one of the facility's vacuum trucks had been down for a month and no replacement equipment had been found as yet. This is a violation of **Specific Condition IV.3(b)** in the facility's operating permit which requires in such event, the permittee shall complete repairs or provide reserve equipment within one week of discovery of the equipment failure.

The drum storage area also contained fifty seven (57) drums of oily waste and more than 100 drums of used oil filters. Department staff inspected the shipment from GAF that included 57 drums (manifest #0070133962) most of which were labeled "used oil" that were received on or around October 19, 2005 by the facility. Upon examination of the contents of these drums, it was observed that little of the material was suitable/useable to recover used oil. A subsequent discussion with Mike Wolfe regarding this shipment revealed that the facility was aware that very little of the material could be processed and HOWCO would essentially just be taking the material to the landfill. The waste was not readily identifiable, and a good portion appeared to be trash, contaminated with small amounts of oil. There was also a roll-off of various construction and demolition debris that was not apparently contaminated by oil.

Facility personnel explained to DEP staff that this roll-off came from a "sister" facility's yard and was going to Okeechobee Landfill and that the present facility was only being used as a transfer point. These activities are in violation of **Specific Condition IV.1(b)** (the accepted materials lists) in the facility's operating permit.

Of over 100 drums of used oil filters, there were a large number of drums improperly labeled and one roll-off box of used oil filters that was covered with a tarp made from a mesh material. On 1/5/06 it was observed that there was one drum of used oil filters that had no lid, and there was no lid in the area. On a site visit 6/1/06 four drums of used oil filters were not sealed or protected from the weather. Failure to properly seal containers of used oil filters or otherwise protect them from the weather is a violation of **62-710.850(5)(a), FAC**.

There was a container of used oil that was not sealed and not protected from the weather, and it was observed that there were approximately thirty-three 55-gallon drums that were improperly labeled "water & oil mixed." Failure to properly label and seal containers of used oil or otherwise protect them from the weather are violations of **62-710.401(6), FAC**.

In addition, on both site visits it was disturbing to the inspectors that the Plant Manager and facility personnel could not tell the inspectors what the contents were of many drums and could not explain the labeling on containers. This indicates a deficiency in the facility's training program. The failure to properly train facility personnel managing wastes is a violation of **40 CFR 279.54** [used oil processor/refiners are subject to all applicable Spill Prevention Control and Countermeasures (40 CFR part 112)]. 40 CFR 112.7(f)(1) addresses personnel training. At a minimum, facility personnel are to be trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility's SPCC and Contingency Plans.

During the 1/5/06 site visit it was observed that personnel were processing solid waste in a roll-off box in the solid waste processing area. Mulch was being added to oily solid waste for solidification prior to disposal. Mulch is not one of the approved solidification agents. Because HOWCO did not provide written notice of its use to the Department, it is a violation of **Specific Condition IV.1(a)(12)** in the facility's operating permit. The area around the roll-off box had pools of used oil, and the roll-off box was laden with pools of used oil. During a site visit on 2/16/06 it was again observed that there was a roll-off box in the solids processing area that had a pool of oil on top of the tarp. Under the tarp, the contents were laden with a pool of used oil. These are violations of **Specific Condition IV.10** in the facility's operating permit. In processing oily waste, the correct procedure is for HOWCO to recover any used oil in either the cone bottom tank (#110) or the inclined tank (#111) prior to processing the waste. It appeared that this was not being done. Failure to perform a hazardous waste determination prior to land disposal of this material is a violation of **40 CFR 262.11 [per 40 CFR 279.10(e)(3)(i)]**. Also, the roll-off box was not properly labeled, "Processed Solids". On a site-visit 6/1/06 it was again observed that a roll-off box was not properly labeled, "Processed Solids." This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit.

There were two 55-gallon drums of used oil behind the laboratory in secondary containment. However, there was oil in the secondary containment, and the secondary containment does not appear to have the capacity to contain at least 110% of the largest container. This is a violation of **62-710.401(6), FAC**. The facility shall ensure that the containment system is emptied to accommodate any future spills or leaks and that there is the appropriate containment capacity.

The fire and emergency equipment are inspected monthly and are tested annually. Fire extinguishers were serviced in August and October 2005, except for the maintenance shop fire extinguisher that was last serviced in November 2004. The facility is to ensure that all fire extinguishers are serviced annually.

DEP staff also observed that not all outgoing material to be disposed was sampled and analyzed on an annual basis. This is a violation of **Specific Condition IV.5(c)** in the facility's operating permit, which requires such sampling and analysis be done on an annual basis or more frequently if required. Records of waste streams at the facility were found to be inadequate. This is a violation of **Specific Condition IV.9** in the facility's operating permit. It was observed that there was not a signed waste profile form for each waste stream received, and that some manifests did not have a date on which the manifest was signed and/or did not have the signatory's name printed on the manifest. On some occasions, it was found that the waste stream was not adequately identified (i.e. "Sludge") with any description of where or from what materials/process the waste was generated.

On January 5, 2006, the facility was re-visited to review operating records. Upon reviewing the sampling protocol for determining whether off-site shipments of oil were "on-spec", it was determined that from January to December 2005 the facility had not been following the random sampling procedure as specified in its operating permit. This is a violation of **Specific Condition II.8(a)** in the facility's operating permit. In addition, the facility did not sample one tank (or batch) every two weeks as required. Of a possible 26 sampling events HOWCO sampled only 24 times in 2005. This is a violation of **Specific Condition II.8(c)(2)** in the facility's operating permit. It was also observed that Batch #2586 was sampled on 12/28/05 and loads were shipped off-site on 12/29/05 which was before the results for the previous batch (Batch #2585 sampled on 12/27/05) were received. The purpose of the sampling program is to determine compliance with the "on-spec" criteria for processed oil. It is not appropriate to ship processed oil prior to the specification analyses being received.

The monthly inspection logs were reviewed and found to be complete. However, it was noted that on the January 2005 inspection log the loud speaker for communications was not functional and corrective action was required. This same notation was noted on the February, March, April and May 2005 inspection logs. On the June 2005 inspection log it was noted that the communications system was okay, but on the July 2005 inspection log it was again noted as not being functional. On the August 2005 inspection log it was noted that the facility started using a megaphone for communications. Failure to provide or maintain emergency equipment such as the communications and alarm systems is a violation of **40 CFR 279.52(a)(3)**. Failure to amend the facility Contingency Plan to denote a change in emergency procedures is a violation of **40 CFR 279.52(b)(4)(v)**. Failure to train personnel of the availability and use of the communication system is a violation of **40 CFR 279.54 [reference to 40 CFR 112.7(f)]**. The one megaphone or bull horn is kept in the Plant Manager's office. The facility shall either get the loud speaker system repaired or find other devices of communication and provide multiple units for facility personnel to use. The facility shall also train facility personnel on the usage of the communication device(s).

HOWCO was delinquent in submitting its Used Oil Processing Permit Renewal Application. The application was due on June 4, 2005, sixty (60) days prior to the expiration date of the existing permit. This is a violation of **62-710.800(4), FAC**. The District received a copy of the permit renewal application on July 26, 2005.

HOWCO was also delinquent in submitting its Solid Waste Processing Permit Renewal Application. Rule 62-4.090(1), FAC, requires that sixty days prior to permit expiration the permittee shall apply for a renewal of the permit. The permit renewal application was submitted (Aug. 29, 2005) and was not made

complete prior to the expiration of the permit. The application was not timely, and the permit expired, yet the facility has continued to operate without authorization (a permit). This is in violation of Rules **62-701.300(1)(a), FAC, and 62-701.320(10)(a), FAC**, which state that no person shall store, process, or dispose of solid waste except at a permitted solid waste facility or a facility exempt from permitting under certain circumstances, and if a renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient, unless it is submitted and made complete prior to the expiration of the existing permit. During the November 7, 2005, compliance inspection, facility personnel were advised that they were operating without a solid waste permit. This is a violation of 62-701.320(1), FAC.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 262.11	Failure to make a hazardous waste determination prior to treating used oil processing residuals, or un-processable residuals.
40 CFR 279.52(a)(3)	Failure to maintain a functioning communications or alarm system.
40 CFR 279.52(b)(4)(v)	Failure to amend the facility's Contingency Plan (after a change in emergency communications procedure.)
40 CFR 279.54	Failure to adequately train personnel.
62-701.300(1)(a), FAC and 62-701.320(10)(a), FAC	Failure to submit a solid waste facility processing facility permit renewal application in a timely manner.
62-701.320(1), FAC	Operating a solid waste management facility without a permit issued by the Department.
62-710.401(6), FAC	Failure to seal or otherwise protect from the weather containers of used oil. <i>(Repeat Violation).</i>
	Failure to properly label containers of used oil. <i>(Repeat Violation).</i>
	Failure to provide adequate secondary containment capacity for containers of used oil.
62-710.800(4), FAC	Failure to submit a used oil processor facility renewal permit application to the Department at least 60 days prior to the expiration date of the existing permit.
62-710.850(5)(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." (Repeat Violation).
	Failure to provide an impervious surface for the storage of containers of used oil filters. (Corrected)
Specific Condition II.8(a)	Failure to follow sampling protocol for processed oil. (Corrected)
Specific Condition II.8(c)(2)	Failure to sample and analyze processed oil at the required frequency.
Specific Condition IV.1(a)(12)	Failure to use an authorized solidification agent for processing solids.
Specific Condition IV.1(b)	Failure to perform acceptance screening on materials prior to processing or storage.
Specific Condition IV.3(b)	Failure to repair or replace inoperable processing equipment within one week of discovery.
Specific Condition IV.5(c)	Failure to, at least annually, sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.
Specific Condition IV.6(b)	Failure to provide an impervious surface for storing or processing oily waste solids. (Corrected)
	Failure to store solids in a covered, lined roll-off container.
Specific Condition IV.7(d)	Failure to properly label containers of processed solids with the words, "Processed Solids."
Specific Condition IV.9	Failure to maintain required records of waste streams (signed waste profile of material received, dated signed manifests and proper description of waste.)
Specific Condition IV.10	Failure to contain, clean up and properly manage released oil and oily waste.

11. RECOMMENDED CORRECTIVE ACTIONS:

~~40 CFR 262.11~~

~~Effective immediately and henceforth, the facility shall
ensure that solid wastes are characterized prior to
landfilling for disposal.~~

40 CFR 279.52(a)(3)

Effective immediately and henceforth, the facility shall ensure that communications or alarm systems are functional.

40 CFR 279.52(b)(4)(v)

Effective immediately and henceforth, the facility shall amend the facility's Contingency Plan to reflect changes in the facility's operations and procedures.

40 CFR 279.54

Effective immediately and henceforth, the facility shall ensure personnel are adequately trained.

~~62-701.300(1)(a), FAC and
62-701.320(10)(c), FAC~~

~~Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.~~

~~62-701.320(1), FAC~~

~~Effective immediately the facility shall cease its solid waste management activities until issued a permit by the Department.~~

62-710.401(6), FAC

Effective immediately and henceforth, the facility shall ensure that used oil containers are sealed or protected from the weather, are properly labeled and there is adequate capacity in the secondary containment to contain 110% of the largest container within containment.

~~62-710.800(4), FAC~~

~~Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.~~

62-710.850(5)(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, properly labeled and stored on an impervious surface.

Specific Condition II.8(c)(2)

Effective immediately and henceforth, the facility shall ensure that it performs the required analyses of processed oil as specified in the facility's operating permit.

~~Specific Condition IV.1(a)(12)~~

~~Effective immediately and henceforth, the facility shall ensure that it uses an approved solidification agent for processing oily waste or requests and receives prior Department approval for use of an alternate agent.~~

Specific Condition IV.1(b)

Effective immediately and henceforth, the facility shall limit the acceptance of solid waste to those materials specified and defined in the facility's operating permit.

Specific Condition IV.3(b)

Effective immediately and henceforth, the facility shall repair or replace operating equipment within one week after discovery.

Specific Condition IV.5(c)

Effective immediately and henceforth, the facility shall ensure, at least annually, to sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.

Specific Condition IV.6(b)

Effective immediately and henceforth, the facility shall ensure that processed solids are stored in a lined and covered roll-off container.

Specific Condition IV.7(d)

Effective immediately and henceforth, the facility shall ensure that containers of processed solids are properly labeled, "Processed Solids."

Specific Condition IV.9

Effective immediately and henceforth, the facility shall maintain complete and accurate records of waste profiles, manifests and proper descriptions of materials received.

~~Specific Condition IV.10~~

~~Effective immediately and henceforth, the facility shall ensure that personnel contain, clean up and properly manage released oil and oily waste.~~

Report Prepared By: _____
Al Gephart Engineering Specialist IV

Report Reviewed By: _____
Danielle Nichols Environmental Specialist I

Report Reviewed By: _____
Kelly Honey Environmental Specialist II

Report Approved By: _____
Elizabeth Knauss Environmental Manager

Date _____

HOWCO Environmental Services

During DEP's inspection, solid waste staff observed that the collection/receiving area was mainly to the south of the facility, separated from the rest of the compound by a gradual downward sloping base which led to a drain (collection channel) along its perimeter. This area contained 6 20 yd³ roll-offs, more than 100 drums, a washing area, sludge separation area, and sludge press. To the northeast of that was the oil storage tank area and vibratory screen area, enclosed by a concrete block dike. There was also a loading/unloading area north of the sludge separation area. The vehicle maintenance area is located on the north side of 8th Ave perpendicular to the lab (see attached facility layout).

According to permit #92465-HO06-001, the maximum quantity of solid waste allowed to be stored at the facility is 22,000 gallons. Being in possession of 6 20 yd³ roll-offs and more than 100 drums (citing Part IV 6. where a 20 yd³ container is equal to 4,040 gal. and a 55 gal. drum is equal to 55 gal.) is contrary to the storage rule (Part IV 6.a) of this permit which limits the facility to 22,000 gallons. In the same area, DEP staff observed one roll-off of processed material covered with a tarp that wasn't pulled all the way over, allowing what appeared to be rainwater to collect inside, and one covered roll-off with a puncture in one of its plastic "doors"; which is contrary to Part IV 6.b of the referenced permit, which requires that all processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces.

Staff observed one covered roll-off containing processed waste which was labeled "EMPTY". This contradicts Part IV 7.d, which states that such containers shall be labeled "Processed Solid Waste". The operator stated that one of the facility's vacuum trucks had been down for a month at the time of the inspection, and that no replacement equipment had been found as yet. This conflicts with Part IV 3.b of the facility's permit that requires in such event, the permittee shall complete repairs or provide reserve equipment within one week of discovery of the equipment failure.

Department staff inspected a shipment from GAF that included 57 drums (manifest #0070133962) that was received on or around October 19th, 2005 by the facility. Upon examination of the contents of these drums, staff observed little of the material to be suitable/useable to recover used oil. Subsequent discussion with Mike Wolfe (operator) regarding this shipment revealed that the facility was aware that there would be little processible material and that HOWCO would essentially just be taking the material to the landfill. The waste was not readily identifiable, and a good portion appeared to be trash, contaminated with small amounts of oil. At the facility there was also a roll-off of various construction and demolition debris that was not apparently contaminated by oil. The operator explained to DEP staff that this roll-off came from a "sister" facility's yard and was going to Okeechobee Landfill and that the present facility was only being used as a transfer point. These activities fail to be in accord with Part IV 1.b (the accepted materials lists) of the prior referenced permit.

DEP staff also observed that not all outgoing material to be disposed was sampled and analyzed on an annual basis, which is in contradiction to Part IV 5.c of HOWCO's permit that requires such sampling and analysis done on an annual basis or more frequently if required. Logs or records of monthly inspections (and corrective actions if needed) of the Solids Storage and Sludge Separation Areas were not available upon request. This is contrary to Part IV 7.h of the referenced permit. Records of waste streams at the facility were found to be inadequate citing Part IV 9.a of the referenced permit as follows. DEP staff observed that there was not a signed waste profile form for each waste stream received, and that some forms/manifests have undated signatures or no printed signatures. On some occasions, it was found that the waste stream was not adequately identified (i.e. "Sludge") with any description of where or from what materials/process the waste was generated. Numerous drums were also mislabeled or blank, and some had multiple contradicting labels.

Records of annual sampling and analysis for the wastewater treatment sludge (WWTs) and oil extracted sludge (OES) were not available upon request. Neither DEP staff nor lab staff could find sampling that was performed in 2004, and the operator suggested that perhaps a sampling event that occurred on June 15, 2005 was supposed to serve as the 2004 event. This contradicts Part IV 4.c of the referenced permit that requires at minimum yearly sampling and analysis of WWTs and OES.

The facility's operation permit (#92465-HO06-001) expired on Aug. 3, 2005. Rule 62-4.090(1), F.A.C., requires that sixty days prior to permit expiration the permittee shall apply for a renewal of the permit. If the application is not submitted prior to 60 days before expiration, it will not be considered timely and sufficient unless it is made complete prior to expiration. The permit renewal application was submitted (Aug. 29, 2005) and was not made complete prior to the expiration of the permit. Since the application was not timely, and the permit has expired, the facility has continued to operate without authorization (a permit). This is contrary to Rules 62-701.300 (1)(a), F.A.C., and 62-701.320 (10)(a), F.A.C. that state no person shall store, process, or dispose of solid waste except at a permitted solid waste facility or a facility exempt from permitting under certain circumstances, and if a renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient, unless it is submitted and made complete prior to the expiration of the existing permit.

Howco Mfg. 8-29-06 1:00p

- I arrived for only the RCRA compliance portion @ 3:00p. - When I arrived, JD was going over open/unlabeled container issues.

- Mike Wolfe said yes they should be ~~un~~ labeled and, etc but their process is such that open containers are a result of the type of work being done

- AL pointed out that open filters containers would not be considered as "working drums"

- Had some discussions about the integrity of the pod.

- Mike Wolfe insists that they fixed any problems when brought up to them - JD says that the report indicates the violation was corrected but it still happened.

- failure to maintain emer. equip was discussed by Ar (comm system was not functional)
- noted in operating log ^{01/06 to 07/06 w/} 8/06 notation that Megaphones were in use now.
- have 3 in use - (one for plant is not yet mounted)
- also the plan references the old emerg comm system & does not mention megaphones
- JD says Dept has concerns about this
 - re: the FE - believe the expired one came out of a truck - brought last cert. doc.

→ Sampling protocol = randomness is an issue ⇒ in processed oil

→ also went over #12 - etc.

- Then J.D. went into how we would like to settle (SFO is desired)

626-6533

Dan Stone - CBI
re: Chevron

Anna

- We are only considering some of the § violations (alleged) were not inc. in the penalty calc. & several that were considered/ incl. were combined.

- We feel the penalty is appropriate.

- Where do we go from here - ?

Howco may submit counter -

offer w/ justification for any reductions, etc. (in writing)

- Would like response w/in 15 days.

- will get photos onto disc & send tomorrow to

Meeting Agenda
FDEP/HOWCO Environmental Services
August 29, 2006

- I. Introductions
- II. Permitting
 - Historical Overview and Current Status
 - Permit No. 92465-HO06-001 (Used Oil Processing)
 - ✓ Closure Cost Estimates
 - ✓ “Used Oil Burned for Energy Recovery” – Petroleum-Contaminated Soil, Petroleum-Contaminated Sludges, Used Oil Processing Wastestreams
 - ✓ Action Items/Schedule
 - Pending Permit No. 92465-003-50 (Solid Waste Processing)
 - ✓ Closure Cost Estimates
 - ✓ Used Oil Processing Waste – Sampling
 - ✓ Stormwater Control
 - ✓ HOWCO Enforcement History
 - ✓ Action Items/Schedule
- III. FDEP Warning Letter No. 293141 – July 21, 2006
 - Scheduling of Subsequent Meeting to Address Specific Allegations
 - Allegation – Operation without a Permit
 - Allegation – Failure to Seal Used Oil and Used Oil Filter Containers
 - Allegation – Failure to Provide Impervious Surface for Used Oil Filter Containers/Storage and Processing of Oily Waste Solids
 - Allegation – Failure to Maintain Emergency Equipment
- IV. Summary of Action Items

Howco Permitting & WIL Meeting
8/29/06
1:00 pm

Used oil closure cost Est. FOEP letter of Aug 18 2006
removal & disposal of pads, auxiliary equip, piping
and tanks

Howco is questioning the removal of the pads

FOEP wants closure cost for removal of pads at this site
with contaminated soil underneath and also
buried piping under the pads to secondary
containment.

Howco will look @ removing pad to get to underground

Howco ^{piping} question is processing area secondary containment the only
FOEP area to be removed?

FOEP on any secondary containment on site where
there are penetrations or underground piping the
secondary containment will have to be removed

Howco to provide documentation to support cost to
removal of the tanks.

Used Oil Burned for Energy Recovery

use energy recovery to keep waste streams in the
used oil program and reduce generation of solid waste
and possibly eliminate solid waste permit.

Bulk of waste is oil/water separator sludge

- site generated
- absorbent materials

Last 8 months \approx 200 tons OKC sludge
 \approx 100 tons Exxon sludge

HOWCO wants to know if they can get down to minimal amts of solid waste can they get relief from SW permit conditions

FOEP if they can get down to incidental amounts they wouldn't need a solid waste permit.

HOWCO says they are in the business of collecting oily waste, oil, filters not trash.

HOWCO what way do they go about getting FOEP to accept their idea

FOEP if you can show its viable such as only 10% solid waste then permit conditions can be written and no SW permit required

SOLID WASTE PERMIT

HOWCO why isn't a QUOTED price from waste management

FOEP just want assurance lower price is realistic.

HOWCO Reason price went down is due to competition

Used Oil Processing Waste - Sampling

HOWCO not a lot of internally generated waste (tank cleanings) max 2 roll-off boxes/year

Permit says to sample every year

FOEP WWTP sludge has failed in the past

Tell FOEP how much they generated and propose a representative amounts of samples to be taken. Need more of a mass balance.

Stormwater Control

Howco doesn't have an NPDES permit. Normally rainwater is contained at the facility and pumped to a water treatment tank. Water separated from oil and sent to POTW. Some stormwater is also treated with oil/water separator and then to stormwater sewer & goes off site.

FOEP wants additional info on S.W. vault and stormwater management, and whether they need a permit.

Howco Enforcement History

FOEP - Howco's history inadequate because it is only HAZ waste @ St. Pete facility. Howco needs to provide history at its other facilities of any enforcement.

Howco proposing to extend deadline for permit comments and response - will get back to Steve Morgan

(4)

FOEP cannot say HOWCO is operating with valid permit
FOEP not taking any action ~~until~~ ^{if} HOWCO continues to make
progress in obtaining its permit.

Hydraulic Oil was product

HOWCO would like copies of colored photos ~~or~~ digital

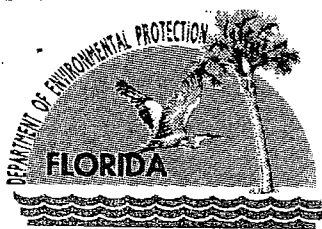
Provide HOWCO with 8/13/01 7/24/02 and 6/24/03
inspection reports.

HOWCO & FOEP covered/discussed major penalties

FOEP would like to go SPCO

Based on Penalty Computation sheet and that
several penalties were combined FOEP feels the
penalty is appropriate, especially considering
compliance history.

HOWCO to respond within 15 days.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

DATE: AUGUST 29, 2006 TIME: 1⁰⁰ pm

LOCATION / CONFERENCE ROOM: FDEP SOUTHWEST DISTRICT OFFICE Room 225

SUBJECT: 1) USED OIL & MATERIAL PROCESSING FACILITY PERMIT RENEWAL APPLICATION
2) WARNING LETTER # 293141

ATTENDEES

NAME	AFFILIATION	TELEPHONE #	E-mail ADDRESS
<u>AL GEPHART</u>	<u>FDEP - SWD</u>	<u>813-632-7600 x372</u>	<u>albert.gephart@dep.state.fl.us</u>
<u>Doug Outlaw</u>	<u>FDEP - HWR/TM</u>	<u>850-245-8786</u>	<u>doug.k.s.outlaw@dep.state.fl.us</u>
<u>STEVE MORGAN</u>	<u>FDEP - SW</u>	<u>(813) 632-7600 x385</u>	<u>STEVE.MORGAN@DEP.STATE.FL.US</u>
<u>Chris McGuire</u>	<u>DEP - OBC</u>	<u>850-245-2291</u>	<u>chris.mcguire@dep.state.fl.us</u>
<u>SUSAN PELZ</u>	<u>DEP - SW</u>	<u>813-632-7600 x386</u>	<u>SUSAN.PELZ@DEP.STATE.FL.US</u>
<u>Jim Dregne</u>	<u>FDEP - SWD</u>	<u>(813) 632-7600 x410</u>	<u>JAMES.DREGNE@dep.state.fl.us</u>
<u>Mike Wolfe</u>	<u>HOWCO</u>	<u>727-327-8467</u>	<u>mikewolfe@howcousa.com</u>
<u>Mike Petronich</u>	<u>Hopping Green : Sims for Howco</u>	<u>850-222-2500</u>	<u>mikep (2) hyslow.com</u>
<u>JOHN JONES</u>	<u>JEM - CONSULTANT</u>	<u>(479) 353-1368</u>	<u>johnmjonaspe@sbcglobal.net</u>
<u>Kelly Honey</u>	<u>DEP / RCRA - SWD</u>	<u>(813) 632-7600 x369</u>	<u>Kelly.honey@dep.state.fl.us</u>

WORKORDER - LCT 07-28-2006 - Microsoft Word

Edit Location

Location No: 10366.1 Name: GAF Material Corporation ☒ OK ☐ Cancel

Location	Billing	Services	Routes	Other	Notes
Routes: 07 - Hillsborough					
<div><input checked="" type="checkbox"/> Add <input type="checkbox"/> Edit <input checked="" type="checkbox"/> Delete</div>					
Stop No: 0					
Last Pickup: 08/01/2006		Next Pickup: 08/15/2006			
14 Days Between Pickups					
<input checked="" type="checkbox"/> Print Prices on Manifest?					
Driver Instructions: (7AM - 7 PM) TO USE TRANSPORT TRUCKS - NEED 2" FEMALE CAMLOCK FITTINGS** ASPHALT FLUX APPROVED WASTE ID # 3820 10/27/2005 RD**SOIL W/USED OIL APPROVED WASTE ID # 3888 05/01/2006 RD SOF					

Page: 1 Sec: 1 1/1 REC TRK EXT MOVE

☒ Active Locations Only Location 1 of 1

start RecycleWorks Howto Envir... Edit Location WORKORDE... Document2... 9:37 AM

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phone
248-7007

HC 30 ENVIRONMENTAL SERVICE
REQUEST FOR LAB WORK

Nº 3820

DATE 10-13-05
LAB NUMBER _____
SALESMAN CC-463

WASTE DESCRIPTION Used Asphalt Sludge
WASTE PROCESS _____
ESTIMATED QUANTITY TBD
ACCOUNT NUMBER _____

CUSTOMER

NAME GAF Materials Corporation
ADDRESS 5138 Madison Avenue
Tampa, FL ZIP 33619-9641
PHONE 813-248-7037
LAB FEES TO CUSTOMER \$440.00
CUSTOMER AUTHORIZATION [Signature]

GENERATOR

Same As Above

PO# _____
TITLE Plant Engineer

LAB WORK REQUESTED

☐ HAZ. WASTE CHAR. (TCLP) \$ _____
☐ TOTAL METALS \$ _____
☐ LEAD ONLY (TCLP) \$ _____
☐ COD & PHENOL ONLY \$ _____
☐ OTHER \$ _____

☐ TCLP 8 RCRA METALS \$ _____
☐ DISTILLATION \$ _____
☐ SOLIDS \$ _____
☐ HALOGENS (Dexsil) \$ _____
☐ FLASH \$ _____
☐ BTU \$ _____
☐ 601/602 OR 8021 \$ _____

SALES COMMENTS TCLP Metals & TCLP Volatiles only.

LAB USE ONLY

CORROSIVITY _____
ph _____
IGNITABILITY _____
REACTIVITY _____
CYANIDE, ppm _____
SULFIDE, ppm _____
COD, ppm _____
PHENOL, ppm _____
FLASH, °F _____
DISTILLATION % _____
HALOGENS (Dexsil) _____
SOLID % _____
BTU/lb _____
SULFUR % _____

METALS

ARSENIC, ppm _____
BARIUM, ppm _____
CADMIUM, ppm _____
CHROMIUM, ppm _____
LEAD, ppm _____
MERCURY, ppm _____
SELENIUM, ppm _____
SILVER, ppm _____
COPPER, ppm _____
NICKEL, ppm _____
ZINC, ppm _____
____ TOTALS _____ TCLP

LAB MANAGER [Signature]

APPROVED

DATE 10/27/05

LAB COMMENTS _____

OPERATIONS COMMENTS _____

NOTES

HAZ. WASTE CHARACTERISTICS (TCLP) - 8 metals, ignitability



November 17, 2005

HOWCO NUMBER: 3820

GAF Materials
5138 Madison Avenue
Tampa, FL 33619-9641

MATRIX: Asphalt Sludge

DATE RECEIVED: October 14, 2005

DATE COMPLETED: October, 2005

CERTIFICATE OF ANALYSIS

TCLP METALS

ANALYSIS	METHOD	RESULTS	REG. LEVEL	DET. LIMIT	ANALYST
Arsenic	1311/6010	BDL	5.0 mg/L	0.1 mg/L	E84925
Barium	1311/6010	0.7 mg/L	100.0 mg/L	0.1 mg/L	E84925
Cadmium	1311/6010	BDL	1.0 mg/L	0.1 mg/L	E84925
Chromium	1311/6010	BDL	5.0 mg/L	0.1 mg/L	E84925
Selenium	1311/6010	BDL	1.0 mg/L	0.1 mg/L	E84925
Silver	1311/6010	BDL	5.0 mg/L	0.1 mg/L	E84925
Lead	1311/6010	BDL	5.0 mg/L	0.1 mg/L	E84925
Mercury	1311/7470	BDL	0.2 mg/L	0.1 mg/L	E84925

BDL = Below Detection Limit

DET. LIMIT = Detection Limit

REG. LEVEL = Regulatory Limit (TCLP)

All analyses were performed in accordance with E.P.A., A.S.T.M., Standard Methods or other F.D.E.R. approved procedures.

CERTIFICATE OF ANALYSIS

EPA METHOD 1311/8260

TCLP - VOLATILES	RESULTS	REG. LEVEL	DET. LIMIT	ANALYST
Benzene	<i>BDL</i>	0.5 mg/L	0.2 mg/L	E84925
Carbon Tetrachloride	<i>BDL</i>	0.5mg/L	0.2 mg/L	E84925
Chlorobenzene	<i>BDL</i>	100.0 mg/L	0.2 mg/L	E84925
Chloroform	<i>BDL</i>	6.0 mg/L	0.2 mg/L	E84925
1,2-Dichloroethane	<i>BDL</i>	0.5 mg/L	0.2 mg/L	E84925
1,1-Dichloroethylene	<i>BDL</i>	0.7 mg/L	0.2 mg/L	E84925
Methyl ethyl ketone	<i>BDL</i>	200.0 mg/L	2.0 mg/L	E84925
Tetrachloroethylene	<i>BDL</i>	0.7 mg/L	0.2 mg/L	E84925
Trichloroethylene	<i>BDL</i>	0.5 mg/L	0.2 mg/L	E84925
Vinyl Chloride	<i>BDL</i>	0.2 mg/L	0.2 mg/L	E84925

BDL = Below Detection Limit

DET. LIMIT = Detection Limit

REG. LEVEL = Regulatory Level (TCLP)

All analyses were performed in accordance with E.P.A., A.S.T.M., Standard Methods or other F.D.E.R. approved procedures.

Respectfully submitted,



Richard Dillen
Laboratory Manager

cc: Accounting.
Customer Service

HOWCO ENVIRONMENTAL SERVICES
3701 Central Ave. St. Petersburg, FL 33713-8338
727-327-8467

CHAIN OF CUSTODY

WASTE DETERMINATION ID# 5820

PART 1	Generators Name <u>GAF materials corporation</u>						Contact Person <u>Steven Monica</u>						
	Location of Waste (address) <u>5138 madison Ave</u>						Phone Number <u>813-248-7037</u>						
	Client Name <u>Steven Monica</u>						CONTAINER DESCRIPTION / ANALYSIS						
PART 2	Item No.	HOWCO SAMPLE NO.	Sample Description / Specific Location	Date	Time	Matrix	Grab or Composite	TCIPmetals TCIPvolatiles only				Generator's Profile Code Number	No. of Containers
	1	3820	used Asphalt Sludge	10/13	12:45	S	G	X					2
	2												
	3												
	4												
	5												
	Sampling Method and Equipment <u>SCOOP</u>						Transported By <u>Howco Environmental</u>				Total Number of Containers		2
PART 3	SAMPLER			WITNESS VERIFICATION					REPRESENTATIVE DATE CERTIFICATION				
	Signature <u>Cliff Cook</u>			Signature <u>[Signature]</u>					Signature				
	Print Name <u>Cliff Cook</u>			Print Name <u>Steven Monica</u>					Print Name				
	Title <u>Sales</u>			Title <u>Plant</u>					Title				
	Employer <u>Howco Environmental</u>			Employer <u>GAF materials corporation</u>					Employer				
	Date <u>10-13-05</u>			Date <u>10-13-05</u>					Date				
PART 4	Comments	Transfer Number	Item No.	Relinquished By			Accepted By			Date	Time		
		1		<u>Cliff Cook</u>									
		2											
		3											
		4											
		5											

HOWCO ENVIRONMENTAL SERVICE GENERATOR'S WASTE MATERIAL PROFILE SHEET

WASTE DETERMINATION ID # 3820

A. GENERAL INFORMATION

GENERATOR NAME: GAF materials Corporation TRANSPORTER: Howco Environmental
 FACILITY ADDRESS: 5138 Madison Ave TRANSPORTER PHONE: 727-385-2459
Tampa, FL 33619
 TECHNICAL CONTACT: Steven Monica GENERATOR US EPA ID #: _____
 NAME OF WASTE: Used Asphalt Sludge GENERATOR STATE ID #: _____
 PROCESS GENERATING WASTE: _____ TITLE: Plant Engineer PHONE: 813-248-7037
 QUANTITY: 7 BD

B. PHYSICAL CHARACTERISTICS OF WASTE

COLOR <u>Black</u>	ODOR <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MILD <input type="checkbox"/> STRONG DESCRIBE _____	PHYSICAL STATE @ 70°F <input type="checkbox"/> SOLID <input checked="" type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	LAYERS <input checked="" type="checkbox"/> MULTILAYERED <input type="checkbox"/> BI-LAYERED <input type="checkbox"/> SINGLE PHASED	FREE LIQUIDS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO VOLUME <u>20</u>
Ph: <input type="checkbox"/> <2 <input type="checkbox"/> 7.1-10 <input type="checkbox"/> 2-4 <input type="checkbox"/> 10.1-12.5 <input type="checkbox"/> 4.1-6.9 <input type="checkbox"/> >12.5 <input type="checkbox"/> 7 <input type="checkbox"/> N/A <input type="checkbox"/> EXACT _____	SPECIFIC GRAVITY <input type="checkbox"/> <.8 <input type="checkbox"/> 1.3-1.4 <input type="checkbox"/> .8-1.0 <input type="checkbox"/> 1.5-1.7 <input type="checkbox"/> 1.1-1.2 <input type="checkbox"/> >1.7 <input type="checkbox"/> EXACT _____	FLASH POINT <input type="checkbox"/> <70°F <input type="checkbox"/> >200°F <input type="checkbox"/> CLOSED CUP <input type="checkbox"/> 70°F-100°F <input type="checkbox"/> NO FLASH <input type="checkbox"/> OPEN CUP <input type="checkbox"/> 101°F-139°F <input type="checkbox"/> EXACT _____ <input type="checkbox"/> 140°F-200°F		

C. CHEMICAL COMPOSITION (TOTALS MUST ADD TO 100%)

oil
water
sludge

< 10 %
< 10 %
< 80 %
 _____ %
 _____ %
 _____ %
 _____ %

D. METALS

☐ TOTAL (ppm)

☐ EPA EXTRACTION PROCEDURE (mg/L)

ARSENIC (As): _____ SELENIUM (Se): _____
 BARIUM (Ba): _____ SILVER (Ag): _____
 CADMIUM (Cd): _____ COPPER (Cu): _____
 CHROMIUM (Cr): _____ NICKEL (Ni): _____
 MERCURY (Hg): _____ ZINC (Zn): _____
 LEAD (Pb): _____ HALLIUM (Ti): _____
 CHROMIUM-HEX (Cr + 6): _____

CHECK ONE BOX

- ☐ SOLIDS OR SLUDGES THAT ARE NOT PETROLEUM RELATED; EXPLAIN: _____
☒ SOLIDS OR SLUDGES CONTAMINATED WITH USED OIL
☐ SOLIDS OR SLUDGES CONTAMINATED WITH VIRGIN PETROLEUM OIL
☐ WASTEWATER THAT IS NOT PETROLEUM RELATED; EXPLAIN: _____
☐ WASTEWATER CONTAMINATED WITH USED OIL
☐ WASTEWATER CONTAMINATED WITH VIRGIN OIL
☐ WASTEWATER CONTAMINATED WITH FUEL
☐ USED OIL
☐ VIRGIN FUEL
☐ OTHER: _____
☐ SOIL THAT IS NOT PETROLEUM RELATED; EXPLAIN: _____
☐ SOIL CONTAMINATED WITH USED OIL
☐ SOIL CONTAMINATED WITH VIRGIN OIL
☐ SOIL FROM UST REGULATED BY 40 CFR, PART 280

NONHAZARDOUS CERTIFICATION

I, the undersigned, under penalty of the law do hereby certify to the best of my knowledge, the recyclable material submitted for acceptance to HOWCO is not a listed hazardous waste and does not exhibit any of the characteristics of a hazardous waste as defined in 40 CFR 261 of the toxicity characteristic revision rules as specified in the March 29, 1990, Federal Register. I further certify that the recyclable material submitted for acceptance to HOWCO is classified as nonhazardous in its state of generation, and that I am authorized to execute this document.

TOXIC SUBSTANCE CONTROL ACT

I, the undersigned, under penalty of law do hereby certify that the materials submitted for acceptance to HOWCO does not contain any detectable concentrations of PCB's as defined in Section 5 (E) of TSCA (ISUSC2605) and (40CFR Part 761).

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or these persons responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

GAF materials Corporation
 COMPANY

[Signature]
 AUTHORIZED SIGNATURE

Plant Engineer
 TITLE

10-13-05
 DATE

All Florida Fire Equipment Co.
P.O. Box 60116
St. Petersburg, Florida 33784-0116
727-525-5950

Howco
843 43rd. Street South
Saint Petersburg, Florida 33711

Terms	Net 15	Thank you for your continued business.		Date	11/11/2005
Description		Qty	Rate	Amount	
Inspection of extinguishers and premises		29	50.00	50.00	
Certification of fire extinguisher		4	4.00	116.00T	
Hydro-test cylinder			8.00	32.00T	
6 year Maintenance of fire extinguisher			18.00	18.00T	
6 year Maintenance of fire extinguisher			22.00	22.00T	
6 year Maintenance of fire extinguisher		4	14.00	56.00T	
Halon recharge			180.00	180.00T	
O-Rings		8	2.00	16.00T	
		5	6.00	30.00T	
Fuel Surcharge			3.00	3.00T	
JAN 12 2005 66 519000-08-11			Subtotal		\$523.00
			Sales Tax (7.0%)		\$33.11
			Total		\$556.11
			Payment Due Date		11/26/2005
			Invoice #		26321

Please detach bottom portion and return with payment.

Howco
843 43rd. Street South
Saint Petersburg, Florida 33711

Please remit to:
AFPEC
PO BOX 60116
Saint Petersburg, Florida 33784

We galdly accept credit cards

Visa _____ Exp ____/____/____
MC _____ Exp ____/____/____

INVOICE N° 26321



ALL FLORIDA FIRE EQUIPMENT CO.

Phone:
(727) 525-5950
(813) 228-8283
affec@verizon.net

• Fire Safety Specialists •
State Licenses #58527200072005 • #29242800011993
P.O. Box 60116
St. Petersburg, FL 33784-0116

- FIRE EXTINGUISHERS
- FIRE SUPPRESSION SYSTEMS
- SAFETY LIGHTING
- WALK-IN SERVICE AVAILABLE

ACCOUNT NAME <i>Hawco</i>	DATE <i>11-11-05</i>	EXISTING <input checked="" type="checkbox"/>	NEW	DATE <i>11-11-05</i>
CONTACT NAME <i>Tra</i>	PHONE <i>843-5927</i>	TECHNICIAN <i>Mark H.</i>	PHONE <i>843-5927</i>	
ADDRESS <i>843 47th St S.</i>		CITY <i>St Pete</i>	STATE/ZIP <i>FL 33701</i>	
BILL TO		CITY	STATE/ZIP	
EMAIL	FAX PHONE #	SEMI	ANNUAL <input checked="" type="checkbox"/>	

QTY	Type	Make/Model	Size	Insp	Rech	6 YR	Hydro	New	Unit Price	Amount
1	Service Charge									50.00
29	ABC Dry Chemical	<i>Agitated</i>	<i>5 1/2 gal</i>	<input checked="" type="checkbox"/>					4.00	116.00
4	ABC Dry Chemical	<i>Agitated</i>	<i>5 1/2 gal</i>	<input checked="" type="checkbox"/>			<i>05</i>		8.00	32.00
1	ABC Dry Chemical	<i>Prober</i>	<i>2 1/2</i>	<input checked="" type="checkbox"/>	<i>05-05</i>					18.00
1	ABC Dry Chemical	<i>Prober</i>	<i>2 1/2</i>	<input checked="" type="checkbox"/>	<i>05-05</i>					22.00
4	ABC Dry Chemical	<i>Prober</i>	<i>5 1/2</i>	<input checked="" type="checkbox"/>	<i>05-05</i>				17.00	68.00
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	BC Dry Chemical									
	Type K									
1	Clean Agent	<i>Prober</i>	<i>5 1/2</i>	<input checked="" type="checkbox"/>			<i>05</i>	<input checked="" type="checkbox"/>		120.00
	Fire Suppression Sys.									
	Fire Suppression Sys.									
	CO ₂									

Material Description			
60 - Rings		2.00	12.00
5 - Valve Stems		1.00	5.00

Safety Recommendations			
Disposal fee all extinguisher and batteries	2.00		
Gasoline surcharge	3.00		
	Labor		
	SUBTOTAL		519.00
	Sales Tax		30.33
	Pay This AMOUNT		549.33
Print Name <i>X</i> <i>LORENZO</i>			
Signature of Customer's Authorized Representative	Date Completed <i>11/11/05</i>		
PO#	CHECK <input checked="" type="checkbox"/>	CREDIT CARD	EXP
	CASH		CHARGE NET 10 DAYS

Charge MUST be Paid within 10 days of service. 1 1/2 interest on ALL invoices over 30 days.
All Florida reserves the right to remove equipment if not paid within 30 days.

Invoice # 24321

Extinguisher Service Report

Customer's Name: Howco

Date: 11/11/05

Extinguisher Record

M	R	Size	Serial #	Type Extinguisher	Safety Seal Replaced	Lock Pin Present	Pressure Gauge Replaced	Valve Stem Replaced	Neck O-Ring Replaced	Lever Replaced	Handle Replaced	Siphon Tube Replaced	Hydro Test Date	6-Year Maintenance Date
1	ABC	20lb	078778	Ansul	✓	✓							98 04	
2	ABC	20lb	866223	Ansul	✓	✓		✓	✓				99 05	✓
3	ABC	20lb	522578	Ansul	✓	✓							97 03	
4	ABC	5lb	74737	Badger	✓	✓							05	✓
5	ABC	5lb	931750	Ansul	✓	✓							98 05	
6	ABC	5lb	130751	Badger	✓	✓							05 05	
7	ABC	10lb	297597	Ansul	✓	✓							98 00	
8	ABC	5lb	405633	Ansul	✓	✓		✓	✓				05 05	✓
9	ABC	5lb	870727	Ansul	✓	✓		✓	✓				05 05	✓
10	ABC	5lb	952871	Ansul	✓	✓		✓	✓				05 05	✓
11	ABC	5lb	557222	Ansul	✓	✓							97 03	
12	ABC	5lb	574949	Badger	✓	✓			✓				01 05	✓
13	ABC	20lb	614207	Ansul	✓	✓							03	
14	ABC	20lb	522527	Ansul	✓	✓							05 05	
15	ABC	20lb	078304	Ansul	✓	✓							96 02	
16	ABC	20lb	254504	Armed	✓	✓							01 01	
17	ABC	10lb	955871	Ansul	✓	✓							05 05	
18	ABC	10lb	391187	Green	✓	✓							01 01	
19	ABC	20lb	625066	Kidde	✓	✓							97 05	
20	ABC	5lb	746600	Ansul	✓	✓							98 09	
21	ABC	20lb	923627	Ansul	✓	✓							95 01	
22	ABC	20lb	515177	Ansul	✓	✓							03 03	
23	ABC	20lb	657927	Ansul	✓	✓							98 07	
24	ABC	20lb	657922	Ansul	✓	✓							96 02	
25	ABC	20lb	225592	Ansul	✓	✓							00 00	
26	ABC	20lb	977183	Green	✓	✓							97 02	
27	ABC	10lb	525133	Badger	✓	✓		✓	✓				05 05	✓
28	ABC	20lb	955897	Ansul	✓	✓							95 01	
29	ABC	20lb	522572	Ansul	✓	✓							96 02	
30	ABC	20lb	657414	Ansul	✓	✓							97 03	
31														
32														
33														
34														
35														
36														
37														
38														
39														
40														

Service Technician Mark H.

Date 11-11-05

Form #SER200

White copy — Customer • Yellow copy — Service Company

ALL FLC JDA FIRE EQUIPMENT CO.

• Fire Safety Specialists •

- FIRE EXTINGUISHERS
- FIRE SUPPRESSION SYSTEMS
- SAFETY LIGHTING
- WALK-IN SERVICE AVAILABLE

Phone:
(727) 525-5950
(813) 228-8283
affec@verizon.net

State Licenses #58527200072005 • #29242800011993
P.O. Box 60116
St. Petersburg, FL 33784-0116

ACCOUNT NAME <i>Flower</i>	DATE <i>12-23-05</i>	EXISTING <input checked="" type="checkbox"/> NEW	DATE <i>12-23-05</i>
CONTACT NAME <i>Tre</i>	PHONE <i>23-0818</i>	TECHNICIAN <i>Mark H.</i>	PHONE <i>23-0818</i>
ADDRESS <i>847 9th St. S.</i>	CITY <i>St. Pete</i>	STATE/ZIP <i>FL 33707</i>	
BILL TO <i>Flower 7701 Central Ave.</i>	CITY <i>St. Pete</i>	STATE/ZIP <i>FL 33713</i>	
EMAIL	FAX PHONE #	SEMI	ANNUAL <i>Service</i>

QTY	Type	Make/Model	Size	Insp	Rech	6 YR	Hydro	New	Unit Price	Amount
1	Service Charge									25.00
1	ABC Dry Chemical	<i>Amica 52575 20lb</i>		X	05		99			22.00
1	ABC Dry Chemical	<i>Amica 65747 20lb</i>		X	05		99			22.00
1	ABC Dry Chemical	<i>Amica 14926 20lb</i>		X	05		99			22.00
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	BC Dry Chemical									
	Type K									
	Clean Agent									
	Fire Suppression Sys.									
	Fire Suppression Sys.									
	CO ₂									

Material Description

2	O-Rings								812.00	1624.00
10	Fire Extinguishers located on van								812.00	8120.00
4	Hooks								4.00	16.00
6	Heavy-duty spring-loaded brackets								12.00	72.00

Safety Recommendations

Disposal fee all extinguisher and batteries	2.00		
Gasoline surcharge	3.00		
	Labor		
	SUBTOTAL	205.00	
	Sales Tax	14.75	
	Pay This AMOUNT	219.75	
Print Name <i>X E. J. F. F. F.</i>	Date Completed <i>12/23/05</i>	CASH	CHARGE NET 10 DAYS
Signature of Customer's Authorized Representative			
PO#	CHECK #	CREDIT CARD	EXP

Charge MUST be Paid within 10 days of service. 1 1/2 interest on ALL invoices over 30 days.
All Florida reserves the right to remove equipment if not paid within 30 days.

ALL FLORIDA FIRE EQUIPMENT CO.

• Fire Safety Specialists •

Phone:
(727) 525-5950
(813) 228-8283
affec@verizon.net

State Licenses #58527200072005 • #29242800011993

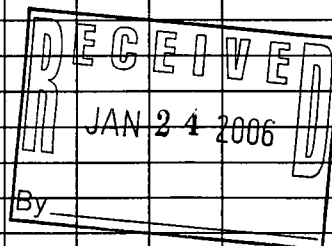
P.O. Box 60116

St. Petersburg, FL 33784-0116

- FIRE EXTINGUISHERS
- FIRE SUPPRESSION SYSTEMS
- SAFETY LIGHTING
- WALK-IN SERVICE AVAILABLE

ACCOUNT NAME <i>Hawco</i>	DATE <i>1-20-06</i>	EXISTING <input checked="" type="checkbox"/>	NEW <input type="checkbox"/>	DATE <i>1-20-06</i>
CONTACT NAME <i>Joe</i>	PHONE <i>27-8465</i>	TECHNICIAN <i>Mark H</i>	PHONE <i>27-8467</i>	
ADDRESS <i>145 93rd St. S.</i>	CITY <i>H. Pate</i>	STATE/ZIP <i>FL 33715</i>		
BILL TO	CITY	STATE/ZIP		
EMAIL	FAX PHONE #	SEMI	ANNUAL <i>Monthly</i>	

QTY	Type	Make/Model	Size	Insp	Rech	6 YR	Hydro	New	Unit Price	Amount
1	Service Charge	<i>Monthly</i>	<i>Walk-Through</i>							<i>50.00</i>
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	BC Dry Chemical									
	Type K									
	Clean Agent									
	Fire Suppression Sys.									
	Fire Suppression Sys.									
	CO ₂									



Material Description

Safety Recommendations

Disposal fee all extinguisher and batteries	2.00		
Gasoline surcharge	3.00		
Labor			
SUBTOTAL			<i>50.00</i>
Sales Tax			
Pay This AMOUNT			<i>450.00</i>
Signature of Customer's Authorized Representative <i>X Robert E. Richardson</i>	Date Completed <i>1/24/06</i>	PO#	CHECK #
CREDIT CARD	EXP	CASH	CHARGE NET 10 DAYS

Charge MUST be Paid within 10 days of service. 1 1/2 interest on ALL invoices over 30 days.
All Florida reserves the right to remove equipment if not paid within 30 days.

ALL FLORIDA FIRE EQUIPMENT CO.

Phone:

(727) 525-5950

(813) 228-8283

affec@verizon.net

• Fire Safety Specialists •

State Licenses #58527200072005 • #29242800011993

P.O. Box 60116

St. Petersburg, FL 33784-0116

• FIRE EXTINGUISHERS

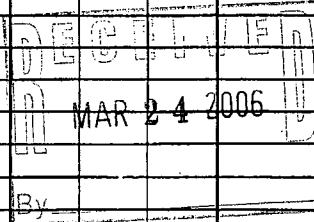
• FIRE SUPPRESSION SYSTEMS

• SAFETY LIGHTING

• WALK-IN SERVICE AVAILABLE

ACCOUNT NAME <i>Howco</i>	DATE <i>2-24-06</i>	EXISTING <input checked="" type="checkbox"/>	NEW <input type="checkbox"/>	DATE <i>2-24-06</i>
CONTACT NAME <i>Tre</i>	PHONE <i>327-8460</i>	TECHNICIAN <i>Mark H</i>	PHONE <i>327-8460</i>	
ADDRESS <i>843 93rd St S</i>	CITY <i>St. Pete</i>	STATE/ZIP <i>FL 33710</i>	STATE/ZIP	
BILL TO	EMAIL	FAX PHONE #	SEMI	ANNUAL <i>Monthly</i>

QTY	Type	Make/Model	Size	Insp	Rech	6 YR	Hydro	New	Unit Price	Amount
1	Service Charge	Monthly Walk-Through								50.00
1	ABC Dry Chemical	Ansol 2314125A	X	06	06					13.00
1	ABC Dry Chemical	Ansol 2314125A	X			06				8.00
1	ABC Dry Chemical	Ansol 71274920A	X	06	06					22.00
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	BC Dry Chemical									
	Type K									
	Clean Agent									
	Fire Suppression Sys.									
	Fire Suppression Sys.									
	CO ₂									



Material Description	Unit Price	Amount
20 Rings	2.00	4.00

Safety Recommendations

Disposal fee all extinguisher and batteries	2.00	
Gasoline surcharge	3.00	3.00
Labor		
SUBTOTAL		100.00
Sales Tax		7.00
Pay This AMOUNT		107.00
Print Name <i>TRAHITT</i>	Date Completed <i>2-24-06</i>	
Signature of Customer's Authorized Representative <i>[Signature]</i>		
PO#	CHECK #	CREDIT CARD
	EXP	CASH
		CHARGE NET 10 DAYS

Charge MUST be Paid within 10 days of service. 1 1/2 interest on ALL invoices over 30 days.
All Florida reserves the right to remove equipment if not paid within 30 days.

ALL FLORIDA FIRE EQUIPMENT CO.



Phone:
(727) 525-5950
(813) 228-8283
affec@verizon.net

• Fire Safety Specialists •

State Licenses #58527200072005 • #29242800011993

P.O. Box 60116
St. Petersburg, FL 33784-0116

- FIRE EXTINGUISHERS
- FIRE SUPPRESSION SYSTEMS
- SAFETY LIGHTING
- WALK-IN SERVICE AVAILABLE

ACCOUNT NAME <i>LOWCO</i>	DATE <i>3-1-06</i>	EXISTING <input checked="" type="checkbox"/>	NEW	DATE <i>3-1-06</i>
CONTACT NAME <i>Sharon</i>	PHONE <i>327-8467</i>	TECHNICIAN <i>Mark H.</i>	PHONE <i>327-8467</i>	
ADDRESS <i>2701 Central Ave.</i>	CITY <i>St. Pete</i>	STATE/ZIP <i>FL 33713</i>		
BILL TO	CITY	STATE/ZIP		
EMAIL	FAX PHONE #	SEMI	ANNUAL <input checked="" type="checkbox"/>	

QTY	Type	Make/Model	Size	Insp	Rech	6 YR	Hydro	New	Unit Price	Amount
1	Service Charge									25.00
1	ABC Dry Chemical	<i>Kidde 067503</i>	<i>5lb</i>	<i>X</i>		<i>02</i>	<i>96</i>			5.00
1	ABC Dry Chemical	<i>Amrox 394781</i>	<i>10lb</i>	<i>X</i>		<i>02</i>	<i>96</i>			5.00
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	BC Dry Chemical									
	Type K									
	Clean Agent									
	Fire Suppression Sys.									
	Fire Suppression Sys.									
	CO ₂									

Material Description

66
735000-08-80

1353

RECEIVED
MAR 01 2006
By _____

Safety Recommendations

Disposal fee all extinguisher and batteries	2.00	
Gasoline surcharge	3.00	3.00
Labor		
SUBTOTAL		38.00
Sales Tax		
Pay This AMOUNT		38.00
Signature of Customer's Authorized Representative <i>X Sharon D Mendelbuntz</i>	Date Completed <i>3/1/06</i>	
PO# <i>36542</i>	CHECK #	CREDIT CARD
EXP	CASH	CHARGE NET 10 DAYS

Charge MUST be Paid within 10 days of service. 1 1/2 interest on ALL invoices over 30 days.
All Florida reserves the right to remove equipment if not paid within 30 days.

ALL FLORIDA FIRE EQUIPMENT CO.

Phone:

(727) 525-5950

(813) 228-8283

affec@verizon.net

• Fire Safety Specialists •

State Licenses #58527200072005 • #29242800011993

P.O. Box 60116

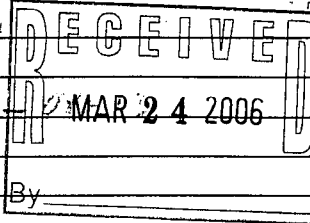
St. Petersburg, FL 33784-0116

- FIRE EXTINGUISHERS
- FIRE SUPPRESSION SYSTEMS
- SAFETY LIGHTING
- WALK-IN SERVICE AVAILABLE

ACCOUNT NAME <i>Hanco</i>	DATE <i>3-23-06</i>	EXISTING <input checked="" type="checkbox"/>	NEW	DATE <i>3-23-06</i>
CONTACT NAME <i>Tre + Vuan</i>	PHONE <i>728-2323</i>	TECHNICIAN <i>Mark H.</i>	PHONE <i>328-2323</i>	
ADDRESS <i>845 77th St. S.</i>		CITY <i>St. Pete</i>	STATE/ZIP <i>FL 33721</i>	
BILL TO		CITY	STATE/ZIP	
EMAIL	FAX PHONE #	SEMI	ANNUAL <i>Monthly</i>	

QTY	Type	Make/Model	Size	Insp	Rech	6 YR	Hydro	New	Unit Price	Amount
1	Service Charge	<i>Monthly Walk - Through</i>								<i>50.00</i>
1	ABC Dry Chemical	<i>Apical 975-4610A</i>		<i>X</i>	<i>06</i>		<i>01</i>			<i>18.00</i>
	ABC Dry Chemical	<i>Ameca 507568 10A</i>		<i>X</i>	<i>06</i>		<i>99</i>			<i>18.00</i>
	ABC Dry Chemical									
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	ABC Dry Chemical									
	ABC Dry Chemical									
	ABC Dry Chemical									
	BC Dry Chemical									
	Type K									
	Clean Agent									
	Fire Suppression Sys.									
	Fire Suppression Sys.									
	CO ₂									

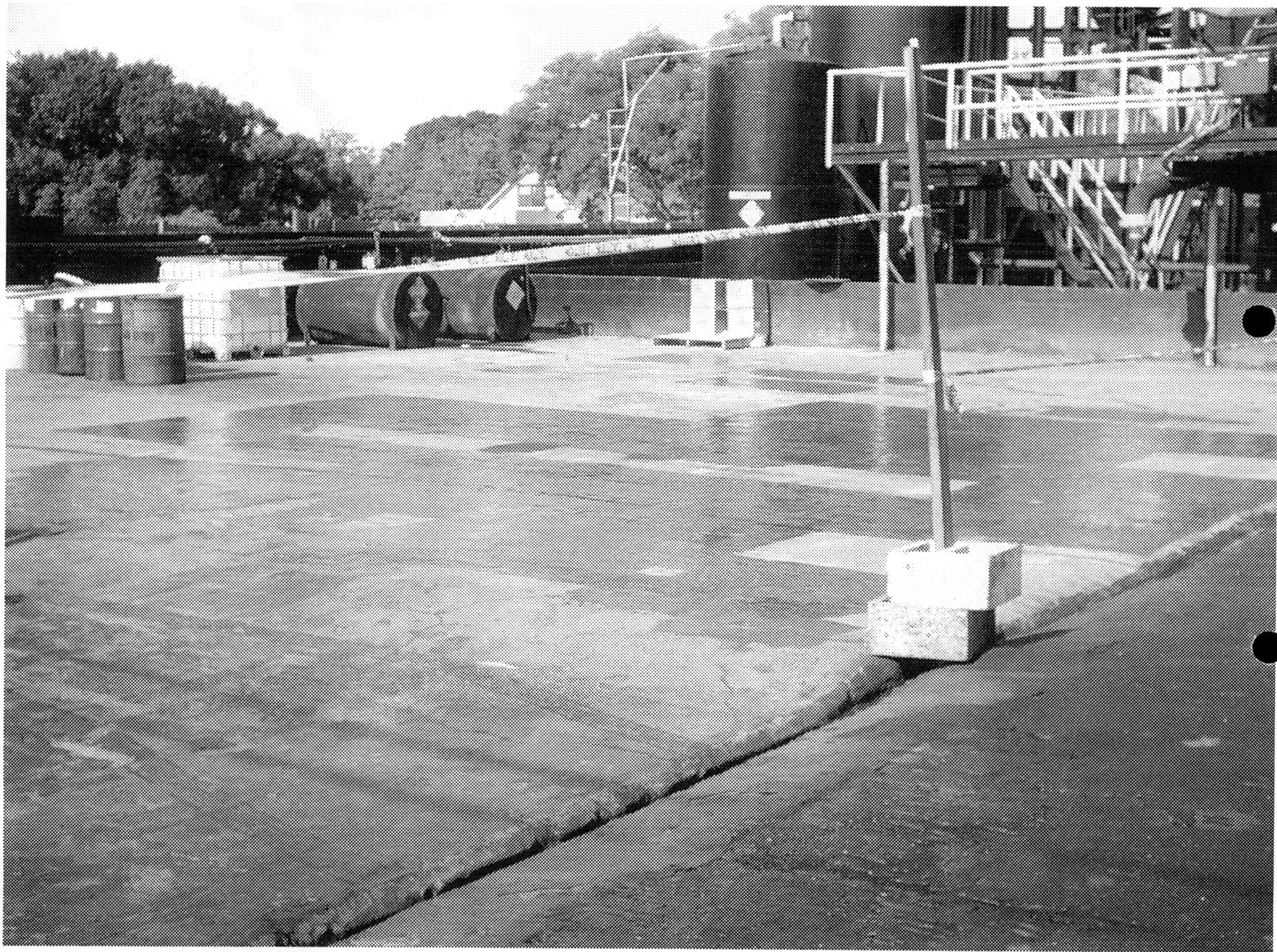
Material Description										
<i>2</i>	<i>O-Rings</i>								<i>2.00</i>	<i>4.00</i>
<i>1</i>	<i>Valve Stem</i>									<i>6.00</i>
		<i>530000</i>								



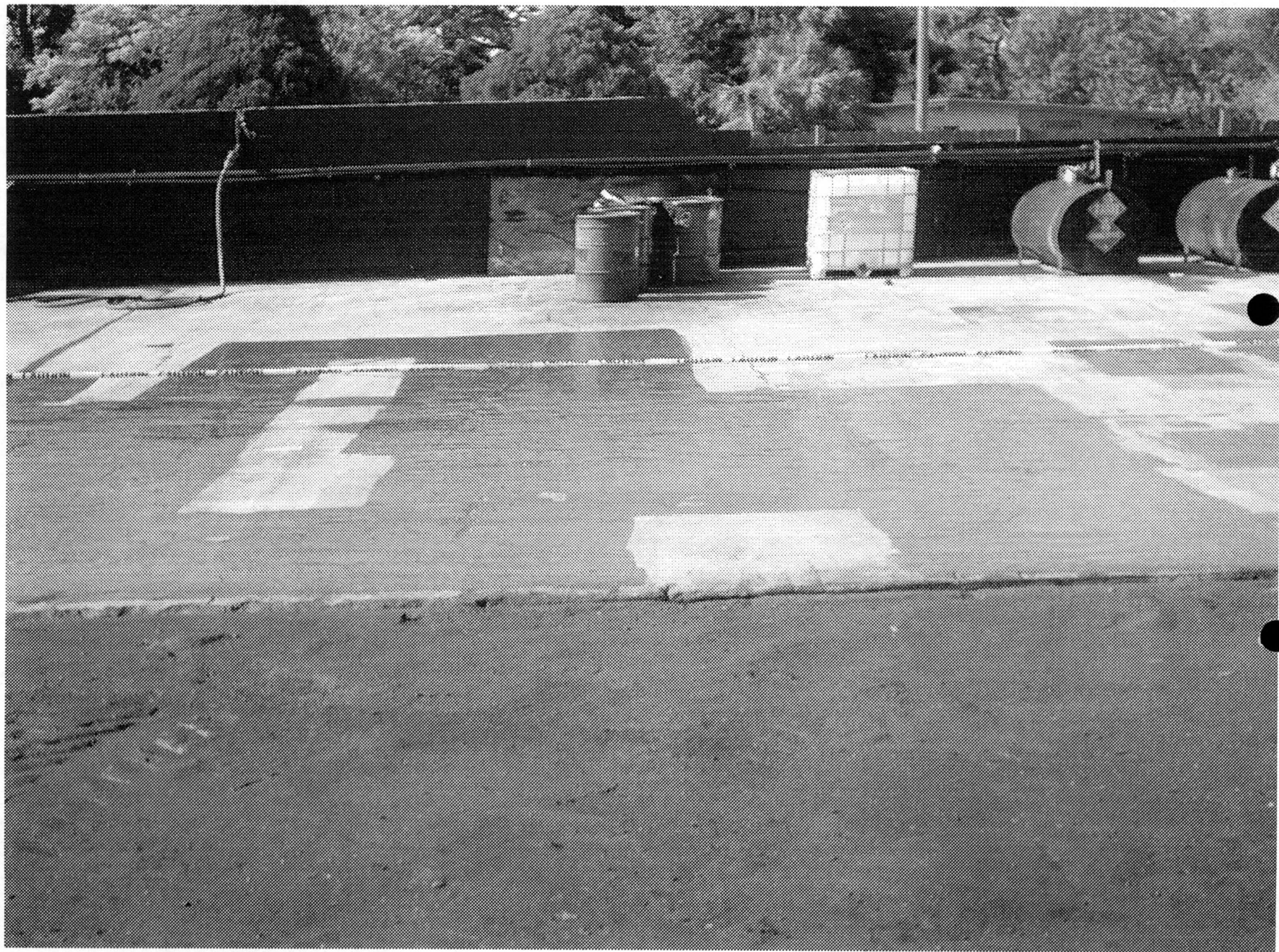
Safety Recommendations

Disposal fee all extinguisher and batteries	2.00	
Gasoline surcharge	3.00	<i>3.00</i>
	Labor	
	SUBTOTAL	<i>99.00</i>
	Sales Tax	<i>6.93</i>
Print Name <i>John C. Kullian</i>	Pay This AMOUNT	<i>105.93</i>
Signature of Customer's Authorized Representative <i>[Signature]</i>	Date Completed <i>12/1/06</i>	
PO#	CHECK #	CREDIT CARD
	EXP	CASH
		CHARGE NET 10 DAYS

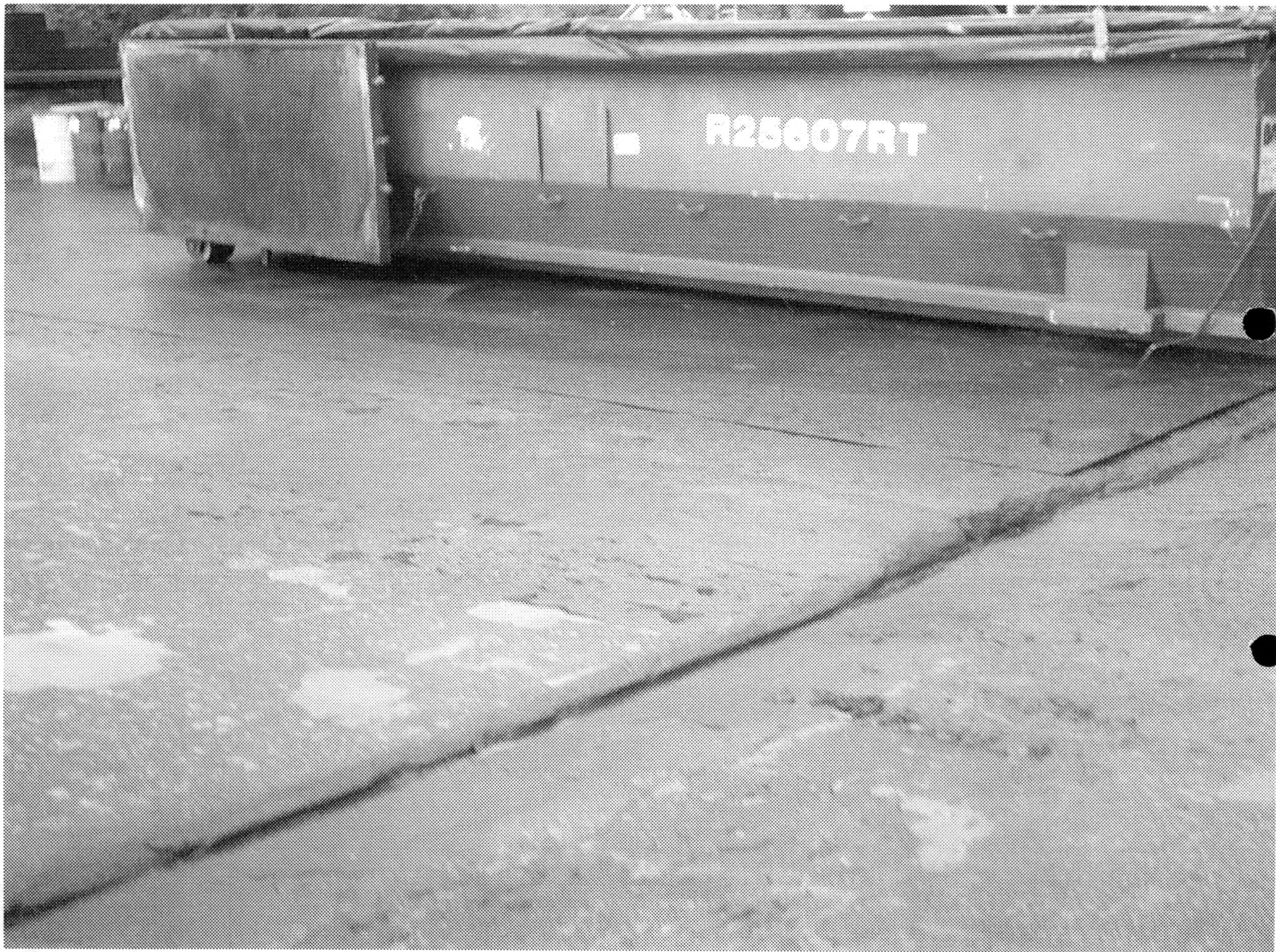
Charge MUST be Paid within 10 days of service. 1 1/2 interest on ALL invoices over 30 days.
All Florida reserves the right to remove equipment if not paid within 30 days.











8/29/06

HOWCO Pre-Meeting

PERMITTING

2 - CLOSURE COST ESTIMATES 1 - U.O. 1 - S.W.

Howco only owes SW 2 items for SW closure cost

and they need to revise the U.O. closure cost to respond to 3RD NOD

Sept 20 Howco had to respond to U.O. 3RD NOD and Sept 15 ~~for~~ S.W. letter with questions.

Entertain Howco's suggestion to drop SW permit if they send oily waste off for energy recovery and SW to OKC habeer would be incidental to Howco's operations.

ACTION ITEMS / SCHEDULE

SW permit App - used oil processing waste - sampling

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:

8/18

J.M. Farley, Interim District Director

FROM/THROUGH:

W

William Kutash, Waste Program Administrator

JD

James Dregne, Hazardous Waste Program Manager 8/18

AG

Al Gephart, Engineering Specialist IV

DATE:

August 18, 2006

FILE NAME: **HOWCO Environmental Services**

COUNTY: Pinellas

PROGRAM: Hazardous Waste

PROJECT # 293141

TYPE OF DOCUMENT:

☐ DRAFT OR ☒ FINAL

☐ WARNING LETTER

☐ CONSENT ORDER

☒ **LETTER TO FACILITY WITH
ASSESSED PENALTY SHEET**

DESCRIPTION OF VIOLATIONS: This project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/7/05, 1/5/06 and 6/1/06 it was observed that the facility had eighteen (18) violations of used oil, used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS: The remaining violations have been corrected.

PENALTY ASSESSMENT. The District is assessing RCRA and ELRA penalties of \$37,748 for various violations of used oil management and solid waste rules. Departmental costs are \$750.

Penalties were assessed in accordance with penalty guidelines under RCRA and ELRA (403.121, F.S.).

PENALTY:

Amount: \$37,748

Costs & Expenses: \$750

Total: \$38,498

ATTACHMENTS:

Facility Letter

Penalty Assessment Worksheet

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:

MR. TIM HAGAN, PRESIDENT
HAGAN HOLDING COMPANY
3710 CENTRAL AVENUE
ST. PETERSBURG, FL 33713

4a. Article Number

7004 0750 0003 0516 9504

4b. Service Type

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

7. Date of Delivery AUG 22 2006

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Kat Guzel

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

7004 0750 0003 0516 9504

U.S. Postal Service™

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(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

8/21/06

Postmark
Here

Total Postage

MR. TIM HAGAN, PRESIDENT
HAGAN HOLDING COMPANY
3710 CENTRAL AVENUE
ST. PETERSBURG, FL 33713

Sent To
Street, Apt. No.,
or PO Box No.
City, State, ZIP+

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 •

Dept. of Environmental
Protection

State of Florida
Department of Environmental Protection
Southwest District

AUG 23 2006

13051 North Telecom Parkway
Temple Terrace, FL 33637-0928

Southwest District

Al Depdant

R073

Walter M. T.





Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 21, 2006

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

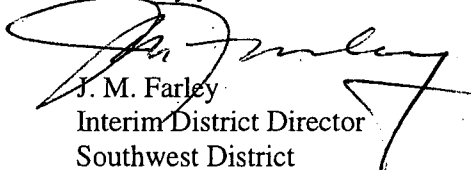
Re: HOWCO Environmental Services
FLD 152 764 767
Warning Letter # 293141
Pinellas County

Dear Mr. Hagan:

Attached please find the penalty computation sheet the Department has developed for assessing penalties for alleged violations noted in the Department's Warning Letter #293141, dated July 21, 2006.

The attached penalty sheet will be discussed at our scheduled meeting on August 29, 2006. If you have any questions at this time, please contact Al Gephart at the letterhead address or at (813) 632-7600 Ext.372.

Sincerely yours,


J. M. Farley
Interim District Director
Southwest District

JMF/afg

Attachment

cc: Chris McGuire, FDEP, OGC
Subra Putcha, FDEP, Tallahassee
Rick Neves, FDEP, Tallahassee
Susan Pelz, FDEP, Tampa
Compliance File

"More Protection, Less Process"

Printed on recycled paper.

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 #: 293141

Date: August 16, 2006

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to maintain emergency equipment.	25.7 Maj/Mod	40 CFR 279.52(a)(3)	\$7,999-\$6,000	---	---	\$6,999
2.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)		---	---	Combined With #1 Above
3.	Failure to adequately train personnel.	ELRA	40 CFR 279.54 40 CFR 112.7(f)	\$500	---	---	\$500
4.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
5.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
6.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
7.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
8.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
9.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	---	---	---	Combined With #15 Below
10.	Failure to follow the required sampling protocol for processed oil.	29.1 Maj/Mod	Permit Cond. II.8(a)	\$7,999-\$6,000	---	---	\$6,999
11.	Failure to perform required analyses of processed oil.	29.1	Permit Cond. II.8(c)(2)	---	---	---	Combined with #10 above
12.	Accepting unpermitted materials for processing or storage.	ELRA SW-2	Permit Cond. IV.1(b)	\$3,000	---	---	\$3,000
13.	Failure to repair or replace processing equipment within one week of discovery.	ELRA Gen-7	Permit Cond. IV.3(b)	\$1,000	---	---	\$1,000

PENALTY COMPUTATION WORKSHEET (CONTINUED)

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 #: 293141

Date: August 16, 2006

Violation Type		Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
14.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA Gen-4	Permit Cond. IV.5(c)	\$2,000	---	---	\$2,000
15.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA SW-2	Permit Cond. IV.6(b)	\$10,000-\$8,000	---	\$2,500	\$12,500
16.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)		---	---	Combined With #15 Above
17.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
18.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
Departmental Costs:							\$750
TOTAL PENALTY:							\$38,498

PENALTY COMPUTATION WORKSHEET (CONTINUED)

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 #: 293141

Date: August 16, 2006

=====

NOTES:

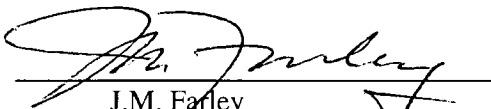
For citation (5) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (7) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (8) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [403.121(7)(c), F.S.].

For citation (15) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$2,500 was assessed because there was one previous violation [403.121(7)(a), F.S.].

For citation (17) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [403.121(7)(a), F.S.].


J.M. Farley
Interim District Director
Southwest District

8/18/06
Date

Gephart, Albert

From: Mike Wolfe [mikewolfe@howcousa.com]

Sent: Thursday, April 06, 2006 11:08 AM

To: Gephart, Albert

Subject: FW: pics

Al,

Try these and see if they will open. There should not be a problem.

From: Tra Hitt [mailto:thitt@howcousa.com]

Sent: Thursday, April 06, 2006 10:33 AM

To: 'Mike Wolfe'

Subject: pics

4/6/2006

Gephart, Albert

From: Mike Wolfe [mikewolfe@howcousa.com]
Sent: Tuesday, April 04, 2006 4:30 PM
To: Gephart, Albert
Subject: Pictures of Coating

Al,

Per your request here are the pictures of the coating and prep of the solid waste area. The cracks have been ground and sealed. If you have any questions please call. Thanks

Mike Wolfe

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

From: dropload [mailto:trahitt@yahoo.com]
Sent: Tuesday, April 04, 2006 4:58 PM
To: mikewolfe@howcousa.com
Subject: trahitt@yahoo.com has sent you a file.

A file named "Copy (2) of camp 073.zip" has been placed in a temporary location for you by Tra Hitt (trahitt@yahoo.com). If you trust this person and wish to accept this file, click or paste this link into your browser:

<http://www.dropload.com/redeem.php?t=607851191f0af3f8336d74d7741d73a3>

Tra has attached a note:
Yard Pics of secondary containment

You have 7 days to pick up this file. After 7 days it will be deleted. You can only download the file once, so be sure and save it to your computer rather than playing or running it from the browser.

If you don't know who Tra is, simply ignore this message and the file will be erased.

Dropload stuff for free, <http://www.dropload.com>

Gephart, Albert

From: Outlaw, Douglas
Sent: Monday, August 28, 2006 12:29 PM
To: 'Jones, John'; Mike Wolfe; Putcha, Subra
Cc: McGuire, Chris; Posner, Augusta; Kothur, Bheem; Dregne, James; Gephart, Albert; Pelz, Susan
Subject: FW: Howco Astor Used Oil Permit

As requested.

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

From: johnmjonespe@bellsouth.net [mailto:johnmjonespe@bellsouth.net]
Sent: Friday, April 29, 2005 8:39 AM
To: Outlaw, Douglas
Cc: thagan@tampabay.rr.com; mikewolfe@tampabay.rr.com
Subject: Howco Astor Used Oil Permit

Confirming our telephone conversation, please check with your permitting engineers and if possible, provide an estimate of the timetable for issuance of the draft permit. Howco is anxious to proceed for business reasons. I think that all the modifications we discussed were addressed in my last e-mail to Subra.

I also advised you that the Howco permit renewal for St. Petersburg is being prepared. We anticipate that the permit will be patterned after the Astor permit. The existing permit is complex and difficult to work with. Howco understands that there is a learning curve, and believes that the permit issued for Astor is a workable document for both the Department and the company. It seems that for uniformity throughout the State, the permits should be similar. We look forward to working with you on the St. Petersburg facility renewal shortly.

Thank you for your assistance in completing the permit process.

Gephart, Albert

From: Outlaw, Douglas
Sent: Monday, August 28, 2006 12:26 PM
To: 'Jones, John'; Putcha, Subra
Cc: Mike Wolfe; McGuire, Chris; Kothur, Bheem; Dregne, James; Gephart, Albert; Pelz, Susan; Posner, Augusta
Subject: RE: Dates for permit applications

From: Jones, John [mailto:john.m.jones@associates.dhs.gov]
Sent: Thursday, August 24, 2006 5:01 PM
To: Outlaw, Douglas
Cc: Mike Wolfe
Subject: Dates for permit applications

Doug, per our conversation, could you please provide me the following dates based on Department files:

1. Original submission date of HOWCO Astor used oil processing permit application.
2. Date of Notice of Intent to Issue Astor permit.
July 5, 2005
3. Date of issue for Astor permit.
August 30, 2005
4. Original submission date of HOWCO St. Petersburg used oil processing permit application.
Application Received July 19, 2005
Fee received August 23, 2005
5. NOD dates for HOWCO St. Pete. – NODs sent by the Hazardous Waste Regulation Section, Tallahassee
Sept. 22, 2005
May 17, 2006
August 18, 2006

Also, I recall that HOWCO and the FDEP Tallahassee permitting team discussed delaying submission of the permit application for St. Petersburg until the Astor permit was issued. HOWCO wanted to fashion the St. Pete permit after the Astor permit. If your recollection of that is the same as mine, I would appreciate copies of any documentation you might have concerning the St. Pete submission date. (I think I sent you an e-mail).

E-mail copy forwarded separately.

Look forward to seeing you later.

9/5/2006

Gephart, Albert

From: Dregne, James
Sent: Thursday, August 24, 2006 11:14 AM
To: McGuire, Chris
Cc: Kutash, William; Outlaw, Douglas; Gephart, Albert; Pelz, Susan; Putcha, Subra; Watson, Stephanie M.; Morgan, Steve
Subject: RE: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Chris,

We need to address the Warning Letter and the penalty at this meeting. This enforcement case has been going on for 290 days. We need to resolve it and move on. If we don't discuss the enforcement case and come to an agreement on a penalty at Tuesday's meeting, then we will just have to schedule another meeting with basically the same people. That would be a waste of time and resources. Also, RCRA is on a time line with EPA on this case. EPA flagged this case at day 240 and an EPA alert occurs at day 300.

Thanks, Jim

JIM DREGNE
 Hazardous Waste Program Manager
 Southwest District
 (813)632-7600 x410

From: McGuire, Chris
Sent: Thursday, August 24, 2006 10:18 AM
To: Gephart, Albert; Pelz, Susan; Dregne, James; Putcha, Subra; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Morgan, Steve
Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike
Subject: RE: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

I spoke again with Mike Petrovich, and he promises to get me a draft agenda tomorrow morning. Howco wants to focus primarily on the permitting issues (thus the need to involve Tallahassee folks), but may also want to bring up some aspects of the Warning Letter that either overlap with permitting issues or raise policy questions that Tallahassee might help on. We will not be going over the WL to debate each allegation, and we won't be going over the penalty calculation except as it may relate to permitting/policy issues. I hope this is satisfactory. Of course, we can discuss whatever we want to in the pre-meeting.

Chris

From: Gephart, Albert
Sent: Tuesday, August 22, 2006 2:14 PM
To: Pelz, Susan; Dregne, James; Putcha, Subra; McGuire, Chris; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Morgan, Steve
Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike
Subject: RE: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Don't shoot the messenger.

8/24/2006

HOWCO's attorney (Mike Petrovich of Hopping Green & Sams) requested the meeting in response to our Warning Letter dated July 21, 2006.

What I know is that Mike Petrovich, John Jones (consultant) and Mike Wolfe will be here at 1:00 pm on August 29, 2006, representing HOWCO. Chris McGuire, Doug Outlaw and possibly Subra Putcha will attend from Tallahassee. Al Gephart, Jim Dregne, Kelly Honey and Danielle Nichols will be there for Haz Waste and a member (or two) from solid waste from the District will be in attendance. (All haz waste and solid waste personnel may not need to attend the 1:00 pm meeting. There will be a morning internal pre-meeting. The time has not yet been set.) All meetings will be in Room 225.

Al

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

From: Pelz, Susan

Sent: Tuesday, August 22, 2006 1:39 PM

To: Gephart, Albert; Dregne, James; Putcha, Subra; McGuire, Chris; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Morgan, Steve

Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike

Subject: RE: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Al,

Is there an agenda for this meeting? I don't think we have had an enforcement attorney assigned yet. We are not comfortable discussing the solid waste enforcement/penalties without our enforcement attorney present.

Did HOWCO request this meeting? Are they bringing their attorney?

Susan

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

From: Gephart, Albert

Sent: Thursday, August 03, 2006 12:08 PM

To: Dregne, James; Putcha, Subra; McGuire, Chris; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Pelz, Susan; Morgan, Steve

Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike

Subject: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Please mark your calendar for an internal pre-meeting on Tuesday August 29 at 11:00 am and a meeting with HOWCO at 1:00 pm at the SWD Office, Tampa, Conference Room #225. (Times are approximate at this time.) If you need a call-in number please advise.

Thanks, Al

AFG

Albert F. Gephart

Engineering Specialist IV

Hazardous Waste Management

Phone: (813) 632-7600 Ext. 372

Fax: (813) 632-7664

email: albert.gephart@dep.state.fl.us

8/24/2006

Gephart, Albert

From: Morgan, Steve
Sent: Wednesday, August 23, 2006 7:30 AM
To: McGuire, Chris
Cc: Pelz, Susan; Watson, Stephanie M.; Gephart, Albert
Subject: RE: HOWCO: solid waste penalty calculation

Chris/Susan:

It has always been my understanding that the meeting on the 29th was to discuss the warning letter and was not a permitting meeting. If that is not the case or permitting issues have been added to the meeting, please let me know so I am prepared to discuss the permitting issues.

Please feel free to e-mail or call me if you have any further questions.

Steven G. Morgan, Environmental Engineer
Florida Department of Environmental Protection
Southwest District - Solid Waste Section
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

phone - (813) 632-7600 x385
fax - (813) 632-7664
e-mail - steve.morgan@dep.state.fl.us

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

From: Pelz, Susan
Sent: Tuesday, August 22, 2006 4:50 PM
To: McGuire, Chris; Watson, Stephanie M.
Cc: Morgan, Steve
Subject: RE: HOWCO: solid waste penalty calculation

Chris,

I thought it was permitting focused also, but see attached email..... apparently we have some internal communication issues since you & I thought the meeting was about permitting, but it looks like RCRA thinks the meeting is about enforcement....

Susan

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

From: McGuire, Chris
Sent: Tuesday, August 22, 2006 4:46 PM
To: Watson, Stephanie M.
Cc: Pelz, Susan
Subject: RE: HOWCO: solid waste penalty calculation

I am happy to discuss it with you, but at this point I am not aware that anyone in OGC has been assigned to this case. I have been involved in discussions on the permitting issues with both solid waste and used oil staff, and I hope that is the main focus of this meeting on the 29th. The warning letter happened to come out at the same time that we were starting to plan this meeting,

8/23/2006

and I'm sure there will be some discussions on it, but I don't anticipate spending much time going over the penalty calculations or violations in detail. In fact, I will confirm that with Petrovich as quickly as possible.

I should be in my office (suncom 205-2291) tomorrow from about 10:30 to noon, and hopefully available at the other building (205-8770) after 3:00. If there is a good time to talk, either let me know or just give a ring.

Chris

From: Watson, Stephanie M.
Sent: Tuesday, August 22, 2006 1:05 PM
To: McGuire, Chris
Cc: Pelz, Susan
Subject: HOWCO: solid waste penalty calculation

Hi Chris,

I just left you a voicemail. The SWD sent a penalty calculation to HOWCO yesterday, which includes hazardous waste and solid waste violations, for \$38,498. The solid waste penalties are \$20,125.

It is my understanding that you have been assigned as the solid waste attorney for the HOWCO Warning Letter meeting on August 29. If that is the case, I would like to discuss this with you, prior to the meeting, to answer any questions you may have.

I have attached my own penalty calculation worksheet that explains the solid waste penalties in more detail. The number on my spreadsheet corresponds to the solid waste violations on the penalty calculation that was sent to HOWCO.

Thanks,

Stephanie

Stephanie Watson, FDEP Southwest District, Solid Waste Section
Telephone: 813-632-7600, ext. 451 (SunCom 514-9155, ext. 451)
Facsimile: 813-632-7664 (SunCom fax 514-9219); E-mail: stephanie.m.watson@dep.state.fl.us

8/23/2006

Gephart, Albert

From: Gephart, Albert
Sent: Tuesday, August 22, 2006 2:14 PM
To: Pelz, Susan; Dregne, James; Putcha, Subra; McGuire, Chris; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Morgan, Steve
Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike
Subject: RE: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Don't shoot the messenger.

HOWCO's attorney (Mike Petrovich of Hopping Green & Sams) requested the meeting in response to our Warning Letter dated July 21, 2006.

What I know is that Mike Petrovich, John Jones (consultant) and Mike Wolfe will be here at 1:00 pm on August 29, 2006, representing HOWCO. Chris McGuire, Doug Outlaw and possibly Subra Putcha will attend from Tallahassee. Al Gephart, Jim Dregne, Kelly Honey and Danielle Nichols will be there for Haz Waste and a member (or two) from solid waste from the District will be in attendance. (All haz waste and solid waste personnel may not need to attend the 1:00 pm meeting. There will be a morning internal pre-meeting. The time has not yet been set.) All meetings will be in Room 225.

Al

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

From: Pelz, Susan
Sent: Tuesday, August 22, 2006 1:39 PM
To: Gephart, Albert; Dregne, James; Putcha, Subra; McGuire, Chris; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Morgan, Steve
Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike
Subject: RE: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Al,

Is there an agenda for this meeting? I don't think we have had an enforcement attorney assigned yet. We are not comfortable discussing the solid waste enforcement/penalties without our enforcement attorney present.

Did HOWCO request this meeting? Are they bringing their attorney?

Susan

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

From: Gephart, Albert
Sent: Thursday, August 03, 2006 12:08 PM
To: Dregne, James; Putcha, Subra; McGuire, Chris; Knauss, Elizabeth; Honey, Kelly; Nichols, Danielle; Watson, Stephanie M.; Pelz, Susan; Morgan, Steve
Cc: Kutash, William; Outlaw, Douglas; Redig, Michael; Farley, Mike
Subject: HOWCO Enf. Meeting Tuesday August 29, 2006 (note for SWD Hazwaste people only THIS IS A CHANGE)

Please mark your calendar for an internal pre-meeting on Tuesday August 29 at 11:00 am and a

8/22/2006

meeting with HOWCO at 1:00 pm at the SWD Office, Tampa, Conference Room #225. (Times are approximate at this time.) If you need a call-in number please advise.

Thanks, Al

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

8/22/2006

Gephart, Albert

From: Gephart, Albert
Sent: Monday, August 21, 2006 10:13 AM
To: 'mikewolfe@howcousa.com'
Cc: Putcha, Subra; Outlaw, Douglas; McGuire, Chris; Kutash, William; Pelz, Susan; Dregne, James
Subject: Penalty Computation Worksheet For Warning Letter #293141 Dated 7/21/06
Contacts: Mike Wolfe

Mike - I do not have Tim Hagan's email address. Would you please provide Tim with a copy of the attached penalty computation sheet the Department has developed for assessing penalties for alleged violations noted in the Department's Warning Letter #293141, dated July 21, 2006.

The attached penalty sheet will be discussed at our scheduled meeting on August 29, 2006, at 1:00 pm here at the Southwest District Office. Please note that the list of violations has changed due to consolidation and deletion of some of the violations stated in the warning letter.

A hard copy of this message will be mailed to Mr. Hagan. If you have any questions at this time, please contact me at (813) 632-7600 Ext.372.

Thanks, Al

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

8/21/2006

Gephart, Albert

From: Gephart, Albert
Sent: Thursday, August 03, 2006 10:38 AM
To: 'MIKE P PETROVICH'
Cc: McGuire, Chris; Redig, Michael; mike.farley@dep.state.us; MikeWolfe@howcousa.com
Subject: RE: HOWCO

FDEP staff are available to meet with you and HOWCO personnel on the afternoon of Tuesday August 29. If amenable to you and HOWCO, I will establish a time (1:00 pm?) and arrange for a conference room.

Thanks, Al

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

From: MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]
Sent: Wednesday, August 02, 2006 3:56 PM
To: Gephart, Albert
Cc: McGuire, Chris; Redig, Michael; mike.farley@dep.state.us; MikeWolfe@howcousa.com
Subject: HOWCO

Al - Please see attached.

Michael P. Petrovich
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314-6526
(850) 425-2254
(850) 224-8551 (fax)
Email: petrovichm@hgslaw.com
Legal Assistant: Rebecca L. Heller
Email: RebeccaH@hgslaw.com

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Thank you.

Tracking:

Recipient

'MIKE P PETROVICH'
McGuire, Chris
Redig, Michael
mike.farley@dep.state.us
MikeWolfe@howcousa.com

Read

Read: 8/3/2006 10:39 AM

Gephart, Albert

From: Gephart, Albert
Sent: Thursday, August 03, 2006 11:59 AM
To: 'MIKE P PETROVICH'
Subject: RE: HOWCO

OK. Likewise, if something comes up to alter the date/time let me know. Otherwise we will see you Tuesday August 29 at 1:00 pm.

Thanks, Al

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

From: MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]
Sent: Thursday, August 03, 2006 11:33 AM
To: Gephart, Albert
Cc: McGuire, Chris; Redig, Michael; mike.farley@dep.state.us;
MikeWolfe@howcousa.com
Subject: RE: HOWCO

Thanks, August 29 works as does your suggested 1 PM EDT meeting time. If the meeting time changes, please let me know.

Michael P. Petrovich
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314-6526
(850) 425-2254
(850) 224-8551 (fax)
Email: petrovichm@hgslaw.com
Legal Assistant: Rebecca L. Heller
Email: RebeccaH@hgslaw.com

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Thank you.

>>> "Gephart, Albert" <Albert.Gephart@dep.state.fl.us> 8/3/2006 10:37 AM >>>
FDEP staff are available to meet with you and HOWCO personnel on the afternoon of Tuesday August 29. If amenable to you and HOWCO, I will establish a time (1:00 pm?) and arrange for a conference room.

Thanks, Al

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

From: MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]
Sent: Wednesday, August 02, 2006 3:56 PM
To: Gephart, Albert
Cc: McGuire, Chris; Redig, Michael; mike.farley@dep.state.us;
MikeWolfe@howcousa.com
Subject: HOWCO

Gephart, Albert

From: rdillen@tampabay.rr.com
Sent: Wednesday, January 11, 2006 3:54 PM
To: Gephart, Albert
Cc: thagan@tampabay.rr.com; mikewolfe@tampabay.rr.com
Subject: Batch #2585, update

Dear Mr. Gephart,

The first load from this batch of processed oil was shipped to Mosaic Fertilizer on January 5th, Manifest # 0070144754.

I received verbal results the same day, around 10:00 AM and as shown below, an e-mail confirmation the next day.

Sincerely,

Richard Dillen

HOWCO Env. Services

From: "Dennis Kenney" <dken@tampabay.rr.com>
To: "Richard Dillen" <rdillen@tampabay.rr.com>; "Dennis Kenney" <dken@tampabay.rr.com>
Subject: Batch 2585 - PCB and metals
Date: Friday, January 06, 2006 9:08 AM

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment file type : PDF
Device Name : PHOSLAB
Device Location :

For more information on Xerox products and solutions, please visit <http://www.xerox.com>.

ENTER SRVC

Gephart, Albert

From: rdillen@tampabay.rr.com
Sent: Friday, January 20, 2006 1:54 PM
To: Gephart, Albert
Cc: thagan@howcousa.com; mikewolfe@howcousa.com; jrullier01@tampabay.rr.com
Subject: Update 2

Dear Mr. Gephart,

Attached you will find the following two files:

2005 RCRA-4_PCBs.pdf, a list of all processed oil samples sent to Phoslab during calendar year 2005, showing a total of 24 samples were submitted.

WWTS_OES_2005.pdf, the Full-TCLP results of WasteWater Treatment Sludge and Oil Extraction Sludge samples, pulled on 12/20/05.

Sincerely,

Richard Dillen

1/20/2006

HOWCO

PCB's and 4RCRA 2005

BATCH No.	DATE
2275	01/06/05
2286	01/14/05
2303	02/02/05
2313	02/13/05
2326	02/28/05
2345	03/17/05
2359	04/01/05
2372-270	04/15/05
2380	04/24/05
2390	05/09/05
2403	05/20/05
2430	06/27/05
2441	07/12/05
2448	07/18/05
2462	08/01/05
2478	08/15/05
2501	09/14/05
2518	10/03/05
2529	10/18/05
2538	10/31/05
2556	11/15/05
2565	11/28/05
2577	12/12/05
2585	12/27/05



Client: Howco, Inc.
Project Name: Annual Compliance
Project Number: 31483

Report No.: T0513102
Date Sampled: 12/20/2005
Date Received: 12/20/05 13:45
Date Reported: 1/16/2006

Attention: Richard Dillen
Phone Number: 727-328-7403
Address: 3701 Central Ave.
St. Petersburg, FL 33713

Project Description

The analytical results for the samples contained in this report were submitted for analysis as outlined by the Chain of Custody.

Project Name: Annual Compliance

Approved By: _____

Michael Cammarata, Laboratory Manager

If there are any questions involving this report, the above named should be contacted.

**THIS REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT
THE WRITTEN APPROVAL OF THE LABORATORY.**

Advanced Environmental Laboratories certifies that the test results in this report meet all requirements of the NELAC standards, unless notated otherwise in the body of the report.

Total Number of Pages = 16

Advanced Environmental Laboratories, Inc.

Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

Lab Code: T0513102-01

Date/Time Sampled: 12/20/2005 9:10

Client Sample ID: WW Sludge Cake WTS

Shipping Method: AEL Pick-up

Site: Howco

Sampled By: Shannon Beaman

Matrix: Soil

Sampling Method: G

TCLP Metals

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
Arsenic	1	0.061	0.24	0.061	mg/L	U	SW6010B		J
Barium	1	0.0047	0.019	0.16	mg/L		SW6010B		J
Cadmium	1	0.00082	0.0033	0.00082	mg/L	U	SW6010B		J
Chromium	1	0.0024	0.0096	0.0024	mg/L	U	SW6010B		J
Lead	1	0.011	0.044	0.021	mg/L	i	SW6010B		J
Selenium	1	0.036	0.14	0.055	mg/L	i	SW6010B		J
Silver	1	0.0084	0.034	0.0084	mg/L	U	SW6010B		J

TCLP Metals (Hg)

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
Mercury	1	0.000050	0.00020	0.000050	mg/L	U	SW7470A		J

TCLP Pesticides

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
Chlordane	10	0.48	1.9	0.48	ug/L	U	SW8081A		J
Endrin	10	0.033	0.13	0.033	ug/L	U	SW8081A		J
Gamma-BHC (Lindane)	10	0.032	0.13	0.032	ug/L	U	SW8081A		J
Heptachlor	10	0.050	0.20	0.050	ug/L	U	SW8081A		J
Heptachlor Epoxide	10	0.069	0.28	0.069	ug/L	U	SW8081A		J
Methoxychlor	10	0.056	0.22	0.056	ug/L	U	SW8081A		J
Toxaphene	10	0.91	3.6	0.91	ug/L	U	SW8081A		J

TCLP Semi-Volatile Organic Compounds

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
1,4-Dichlorobenzene	50	0.14	0.58	0.14	mg/L	U	SW8270C		J
2,4,5-Trichlorophenol	50	0.17	0.69	0.17	mg/L	U	SW8270C		J
2,4,6-Trichlorophenol	50	0.11	0.44	0.11	mg/L	U	SW8270C		J
2,4-Dinitrotoluene	50	0.047	0.19	0.047	mg/L	U	SW8270C		J
Cresols, Total	50	0.42	1.7	0.42	mg/L	U	SW8270C		J
Hexachlorobenzene	50	0.088	0.35	0.088	mg/L	U	SW8270C		J
Hexachlorobutadiene	50	0.11	0.42	0.11	mg/L	U	SW8270C		J
Hexachloroethane	50	0.14	0.56	0.14	mg/L	U	SW8270C		J
Nitrobenzene	50	0.050	0.20	0.050	mg/L	U	SW8270C		J
Pentachlorophenol	50	0.16	0.63	0.16	mg/L	U	SW8270C		J
Pyridine	50	0.092	0.37	0.092	mg/L	U	SW8270C		J

TCLP Volatile Organics

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
1,1-Dichloroethene	10	0.0050	0.020	0.0050	mg/L	U	SW8260B		J
1,2-Dichloroethane	10	0.0036	0.014	0.0036	mg/L	U	SW8260B		J
1,4-Dichlorobenzene	10	0.0030	0.012	0.0030	mg/L	U	SW8260B		J
Benzene	10	0.0030	0.012	0.062	mg/L		SW8260B		J
Carbon Tetrachloride	10	0.0039	0.016	0.0039	mg/L	U	SW8260B		J
Chlorobenzene	10	0.0031	0.012	0.0031	mg/L	U	SW8260B		J

Advanced Environmental Laboratories, Inc.

Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

Chloroform	10	0.0041	0.016	0.0041	mg/L	U	SW8260B	J
Methyl ethyl ketone	10	0.0025	0.010	0.066	mg/L		SW8260B	J
Tetrachloroethene	10	0.0043	0.017	0.017	mg/L	i	SW8260B	J
Trichloroethene	10	0.0043	0.017	0.0043	mg/L	U	SW8260B	J
Vinyl Chloride	10	0.0049	0.020	0.0049	mg/L	U	SW8260B	J

Surrogates:	Control Limits	% Recovery	Qual.	Method	Prep Method
Decachlorobiphenyl	10 - 146	60		SW8081A	SW1311/SW3510C
Tetrachloro-m-xylene	24 - 166	97		SW8081A	SW1311/SW3510C
1,2-Dichloroethane-d4	80 - 120	98		SW8260B	SW1311/SW5030B
4-Bromofluorobenzene	86 - 115	104		SW8260B	SW1311/SW5030B
Toluene d(8)	88 - 110	94		SW8260B	SW1311/SW5030B
2,4,6-Tribromophenol	15 - 112	32		SW8270C	SW1311/SW3510C
2-Fluorobiphenyl	20 - 119	60		SW8270C	SW1311/SW3510C
2-Fluorophenol	20 - 119	30		SW8270C	SW1311/SW3510C
Nitrobenzene d5	23 - 120	56		SW8270C	SW1311/SW3510C
p-Terphenyl-d14	18 - 137	150	J4	SW8270C	SW1311/SW3510C
Phenol-d6	18 - 121	26		SW8270C	SW1311/SW3510C

- i The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.
- J4 The sample matrix interfered with the ability to make an accurate determination.
- U The compound was analyzed for but not detected.
- J DOH certification #E82574 (AEL-JAX) (FL NELAC certification)

Advanced Environmental Laboratories, Inc.

Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

Lab Code: T0513102-02

Date/Time Sampled: 12/20/2005 9:20

Client Sample ID: Oily Sludge Oes-110

Shipping Method: AEL Pick-up

Site: Howco

Sampled By: Shannon Beaman

Matrix: Soil

Sampling Method: G

TCLP Metals

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
Arsenic	1	0.061	0.24	0.061	mg/L	U	SW6010B		J
Barium	1	0.0047	0.019	0.43	mg/L		SW6010B		J
Cadmium	1	0.00082	0.0033	0.00082	mg/L	U	SW6010B		J
Chromium	1	0.0024	0.0096	0.0048	mg/L	i, V	SW6010B		J
Lead	1	0.011	0.044	0.025	mg/L	i	SW6010B		J
Selenium	1	0.036	0.14	0.11	mg/L	i	SW6010B		J
Silver	1	0.0084	0.034	0.0084	mg/L	U	SW6010B		J

TCLP Metals (Hg)

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
Mercury	1	0.000050	0.00020	0.000050	mg/L	U	SW7470A		J

TCLP Pesticides

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
Chlordane	10	0.48	1.9	0.48	ug/L	U	SW8081A		J
Endrin	10	0.033	0.13	0.033	ug/L	U	SW8081A		J
Gamma-BHC (Lindane)	10	0.032	0.13	0.032	ug/L	U	SW8081A		J
Heptachlor	10	0.050	0.20	0.050	ug/L	U	SW8081A		J
Heptachlor Epoxide	10	0.069	0.28	0.069	ug/L	U	SW8081A		J
Methoxychlor	10	0.056	0.22	0.056	ug/L	U	SW8081A		J
Toxaphene	10	0.91	3.6	0.91	ug/L	U	SW8081A		J

TCLP Semi-Volatile Organic Compounds

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
1,4-Dichlorobenzene	50	0.14	0.58	0.14	mg/L	U	SW8270C		J
2,4,5-Trichlorophenol	50	0.17	0.69	0.17	mg/L	U	SW8270C		J
2,4,6-Trichlorophenol	50	0.11	0.44	0.11	mg/L	U	SW8270C		J
2,4-Dinitrotoluene	50	0.047	0.19	0.047	mg/L	U	SW8270C		J
Cresols, Total	50	0.42	1.7	0.42	mg/L	U	SW8270C		J
Hexachlorobenzene	50	0.088	0.35	0.088	mg/L	U	SW8270C		J
Hexachlorobutadiene	50	0.11	0.42	0.11	mg/L	U	SW8270C		J
Hexachloroethane	50	0.14	0.56	0.14	mg/L	U	SW8270C		J
Nitrobenzene	50	0.050	0.20	0.050	mg/L	U	SW8270C		J
Pentachlorophenol	50	0.16	0.63	0.16	mg/L	U	SW8270C		J
Pyridine	50	0.092	0.37	0.092	mg/L	U	SW8270C		J

TCLP Volatile Organics

Analytes:	Dilution	Adjusted MDL	Adjusted PQL	Results	Units	Qualifier(s)	Method	Parameter Comment	Lab
1,1-Dichloroethene	10	0.0050	0.020	0.0050	mg/L	U	SW8260B		J
1,2-Dichloroethane	10	0.0036	0.014	0.0036	mg/L	U	SW8260B		J
1,4-Dichlorobenzene	10	0.0030	0.012	0.0030	mg/L	U	SW8260B		J
Benzene	10	0.0030	0.012	0.15	mg/L		SW8260B		J
Carbon Tetrachloride	10	0.0039	0.016	0.0039	mg/L	U	SW8260B		J
Chlorobenzene	10	0.0031	0.012	0.0031	mg/L	U	SW8260B		J

Advanced Environmental Laboratories, Inc.
Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

Chloroform	10	0.0041	0.016	0.0041	mg/L	U	SW8260B	J
Methyl ethyl ketone	10	0.0025	0.010	0.059	mg/L		SW8260B	J
Tetrachloroethene	10	0.0043	0.017	0.0043	mg/L	U	SW8260B	J
Trichloroethene	10	0.0043	0.017	0.0043	mg/L	U	SW8260B	J
Vinyl Chloride	10	0.0049	0.020	0.0049	mg/L	U	SW8260B	J

Surrogates:	Control Limits	% Recovery	Qual.	Method	Prep Method
Decachlorobiphenyl	10 - 146	70		SW8081A	SW1311/SW3510C
Tetrachloro-m-xylene	24 - 166	107		SW8081A	SW1311/SW3510C
1,2-Dichloroethane-d4	80 - 120	96		SW8260B	SW1311/SW5030B
4-Bromofluorobenzene	86 - 115	110		SW8260B	SW1311/SW5030B
Toluene d(8)	88 - 110	94		SW8260B	SW1311/SW5030B
2,4,6-Tribromophenol	15 - 112	96		SW8270C	SW1311/SW3510C
2-Fluorobiphenyl	20 - 119	68		SW8270C	SW1311/SW3510C
2-Fluorophenol	20 - 119	42		SW8270C	SW1311/SW3510C
Nitrobenzene d5	23 - 120	68		SW8270C	SW1311/SW3510C
p-Terphenyl-d14	18 - 137	184	J4	SW8270C	SW1311/SW3510C
Phenol-d6	18 - 121	40		SW8270C	SW1311/SW3510C

- i The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.
- J4 The sample matrix interfered with the ability to make an accurate determination.
- U The compound was analyzed for but not detected.
- V Indicates that the analyte was detected in both the sample and the associated method blank.
- J DOH certification #E82574 (AEL-JAX) (FL NELAC certification)

Advanced Environmental Laboratories, Inc.

Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

Sample Cross Reference Information

Lab Code: T0513102-01

Site: Howco

Client Sample Number: WW Sludge Cake WTS

Matrix: Soil

Test Description	Analysis Method	Prep Method	Analytical Batch ID	Analysis Date/Time	Analyst	Prep Batch ID	Prep Date/Time
TCLP Herbicides	SW8151A	SW1311/METHOD					
TCLP Metals	SW6010B	SW1311/SW3010A	M122705-ICP-1	12/27/2005 21:23	CDC	M122705-ICP-1	12/27/2005 7:45:
TCLP Metals (Hg)	SW7470A	SW1311/METHOD	M122905-HG-3	12/29/2005 12:26	BCM	M122905-HG-3	12/29/2005 4:30:
TCLP Pesticides	SW8081A	SW1311/SW3510C	SV010506C	1/5/2006 18:08	KB	OE010406-608	1/4/2006 5:30:00
TCLP Semi-Volatile Organic Compounds	SW8270C	SW1311/SW3510C	SV122905L	12/29/2005 9:43	JA	OE122305-8270	12/23/2005 3:50:
TCLP Volatile Organics	SW8260B	SW1311/SW5030B	V122305A	12/23/2005 16:15	BB	V122305A	

If the Analytical Batch ID and Prep Batch ID is null, the analysis was not performed by AEL, and the original report from the subcontracted laboratory will be provided containing this information.

Lab Code: T0513102-02

Site: Howco

Client Sample Number: Oily Sludge Oes-110

Matrix: Soil

Test Description	Analysis Method	Prep Method	Analytical Batch ID	Analysis Date/Time	Analyst	Prep Batch ID	Prep Date/Time
TCLP Herbicides	SW8151A	SW1311/METHOD					
TCLP Metals	SW6010B	SW1311/SW3010A	M122705-ICP-1	12/27/2005 21:23	CDC	M122705-ICP-1	12/27/2005 7:45:
TCLP Metals (Hg)	SW7470A	SW1311/METHOD	M122905-HG-3	12/29/2005 12:26	BCM	M122905-HG-3	12/29/2005 4:30:
TCLP Pesticides	SW8081A	SW1311/SW3510C	SV010506C	1/5/2006 18:08	KB	OE010406-608	1/4/2006 5:30:00
TCLP Semi-Volatile Organic Compounds	SW8270C	SW1311/SW3510C	SV122905L	12/29/2005 9:43	JA	OE122305-8270	12/23/2005 3:50:
TCLP Volatile Organics	SW8260B	SW1311/SW5030B	V122305A	12/23/2005 16:15	BB	V122305A	

If the Analytical Batch ID and Prep Batch ID is null, the analysis was not performed by AEL, and the original report from the subcontracted laboratory will be provided containing this information.

Advanced Environmental Laboratories, Inc.

Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

Quality Assurance Report

Method Blanks

TCLP Metals							
QCBatchID	Analyte	QC Sample Type	Method	MDL	Result	Units	Qualifier
M122705-ICP-1	Arsenic	Method Blank	SW6010B	0.061	0.061	mg/L	U
M122705-ICP-1	Barium	Method Blank	SW6010B	0.0047	0.0047	mg/L	U
M122705-ICP-1	Cadmium	Method Blank	SW6010B	0.00082	0.00082	mg/L	U
M122705-ICP-1	Chromium	Method Blank	SW6010B	0.0024	0.0049	mg/L	I
M122705-ICP-1	Lead	Method Blank	SW6010B	0.011	0.011	mg/L	U
M122705-ICP-1	Selenium	Method Blank	SW6010B	0.036	0.036	mg/L	U
M122705-ICP-1	Silver	Method Blank	SW6010B	0.0084	0.0084	mg/L	U

TCLP Metals (Hg)							
QCBatchID	Analyte	QC Sample Type	Method	MDL	Result	Units	Qualifier
M122905-HG-3	Mercury	Method Blank	SW7470A	0.000050	0.000050	mg/L	U

TCLP Pesticides							
QCBatchID	Analyte	QC Sample Type	Method	MDL	Result	Units	Qualifier
SV010506C	Chlordane	Method Blank	SW8081A	0.048	0.048	ug/L	U
SV010506C	Endrin	Method Blank	SW8081A	0.0033	0.0033	ug/L	U
SV010506C	Gamma-BHC (Lindane)	Method Blank	SW8081A	0.0032	0.0032	ug/L	U
SV010506C	Heptachlor	Method Blank	SW8081A	0.0050	0.0050	ug/L	U
SV010506C	Heptachlor Epoxide	Method Blank	SW8081A	0.0069	0.0069	ug/L	U
SV010506C	Methoxychlor	Method Blank	SW8081A	0.0056	0.0056	ug/L	U
SV010506C	Toxaphene	Method Blank	SW8081A	0.091	0.091	ug/L	U
Surrogate(s)	Result	Units	% Recovery	Qualifier	Acceptance Limits		
Tetrachloro-m-xylene	0.97	ug/L	97		24 - 166		
Decachlorobiphenyl	0.35	ug/L	70		10 - 146		

TCLP Semi-Volatile Organic Compounds							
QCBatchID	Analyte	QC Sample Type	Method	MDL	Result	Units	Qualifier
SV122905L	1,4-Dichlorobenzene	Method Blank	SW8270C	0.0029	0.0029	mg/L	U
SV122905L	2,4,5-Trichlorophenol	Method Blank	SW8270C	0.0035	0.0035	mg/L	U
SV122905L	2,4,6-Trichlorophenol	Method Blank	SW8270C	0.0022	0.0022	mg/L	U
SV122905L	2,4-Dinitrotoluene	Method Blank	SW8270C	0.00094	0.00094	mg/L	U
SV122905L	Cresols, Total	Method Blank	SW8270C	0.0085	0.0085	mg/L	U
SV122905L	Hexachlorobenzene	Method Blank	SW8270C	0.0018	0.0018	mg/L	U
SV122905L	Hexachlorobutadiene	Method Blank	SW8270C	0.0021	0.0021	mg/L	U
SV122905L	Hexachloroethane	Method Blank	SW8270C	0.0028	0.0028	mg/L	U
SV122905L	Nitrobenzene	Method Blank	SW8270C	0.0010	0.0010	mg/L	U
SV122905L	Pentachlorophenol	Method Blank	SW8270C	0.0032	0.0032	mg/L	U
SV122905L	Pyridine	Method Blank	SW8270C	0.0018	0.0018	mg/L	U
Surrogate(s)	Result	Units	% Recovery	Qualifier	Acceptance Limits		
2-Fluorophenol	51	ug/L	102		20 - 119		
Phenol-d6	48	ug/L	96		18 - 121		
Nitrobenzene d5	52	ug/L	104		23 - 120		
2-Fluorobiphenyl	51	ug/L	102		20 - 119		
2,4,6-Tribromophenol	49	ug/L	98		15 - 112		
p-Terphenyl-d14	59	ug/L	118		18 - 137		

TCLP Volatile Organics							
QCBatchID	Analyte	QC Sample Type	Method	MDL	Result	Units	Qualifier
V122305A	1,1-Dichloroethene	Method Blank	SW8260B	0.00050	0.00050	mg/L	U
V122305A	1,2-Dichloroethane	Method Blank	SW8260B	0.00036	0.00036	mg/L	U
V122305A	1,4-Dichlorobenzene	Method Blank		0.00030	0.00030	mg/L	U

Advanced Environmental Laboratories, Inc.

Analytical Report

Client: Howco, Inc.

Report No.: T0513102

Project Name: Annual Compliance

Date/Time Received: 12/20/05 13:45

			SW8260B				
V122305A	Benzene	Method Blank	SW8260B	0.00030	0.00030	mg/L	U
V122305A	Carbon Tetrachloride	Method Blank	SW8260B	0.00039	0.00039	mg/L	U
V122305A	Chlorobenzene	Method Blank	SW8260B	0.00031	0.00031	mg/L	U
V122305A	Chloroform	Method Blank	SW8260B	0.00041	0.00041	mg/L	U
V122305A	Methyl ethyl ketone	Method Blank	SW8260B	0.00025	0.00025	mg/L	U
V122305A	Tetrachloroethene	Method Blank	SW8260B	0.00043	0.00043	mg/L	U
V122305A	Trichloroethene	Method Blank	SW8260B	0.00043	0.00043	mg/L	U
V122305A	Vinyl Chloride	Method Blank	SW8260B	0.00049	0.00049	mg/L	U

Surrogate(s)	Result	Units	% Recovery	Qualifier	Acceptance Limits
1,2-Dichloroethane-d4	51	ug/L	102		80 - 120
Toluene d(8)	49	ug/L	98		88 - 110
4-Bromofluorobenzene	56	ug/L	112		86 - 115

Quality Assurance Qualifiers:

- I The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.
- U The compound was analyzed for but not detected.

Definitions:

Water matrix refers to all aqueous matrices except drinking water, including but not limited to, wastewater, ground water, surface water, aqueous wastes and leach

Soil matrix refers to all non-aqueous matrices, including soils, solids, sludges, semi-solids, and non-aqueous waste samples

All results in mg/kg or % are reported in dry weight basis, unless notated otherwise. All results in mg/L are reported in wet weight basis.

MDL Method Detection Limit, without correction for dilution or moisture content

Adjusted Reporting Limit is the MDL accounting for all dilutions and moisture content calculations.

PQL is defined to be 4 times the MDL, for all results qualified with a 'I' qualifier.

Sampling Method; G=Grab, P=Pump, C=Composite

The estimated measurements of uncertainty can be provided upon request

This is the last page of the analytical report.

Chain-of-Custody for AEL Tampa to AEL Jax

AEL Tampa
9610 Princess Palm Avenue
Tampa, FL 33619
813-630-9616 Fax 813-630-4327
Contact Person: Michael Cammarata

AEL Jax
6601 Southpoint Parkway
Jacksonville, FL 32216
904-363-9350 Fax 904-363-9354
Contact Person: Sean Hyde

Project #: T0513102
CustomerName: Howco, Inc.
Collector: Shannon Beaman

☐ Check if Rush

Lab Code	Client Sample ID	Test	Matrix	Collect Date / Time	Receive Date	Due Date	# Bottles	Bottle Type (Pres.)
T0513102-01	WW Sludge Cake WTS	Hg (TCLP)	Soil	12/20/2005 9:10	12/20/05 13:45	1/3/2006	_____	
T0513102-01	WW Sludge Cake WTS	TCLP ICP Metals	Soil	12/20/2005 9:10	12/20/05 13:45	1/3/2006	_____	
T0513102-01	WW Sludge Cake WTS	TCLP Pesticides	Soil	12/20/2005 9:10	12/20/05 13:45	1/3/2006	_____	
T0513102-01	WW Sludge Cake WTS	TCLP Semi-Volatiles	Soil	12/20/2005 9:10	12/20/05 13:45	1/3/2006	_____	
T0513102-01	WW Sludge Cake WTS	TCLP Volatiles	Soil	12/20/2005 9:10	12/20/05 13:45	1/3/2006	_____	
T0513102-02	Oily Sludge Oes-110	Hg (TCLP)	Soil	12/20/2005 9:20	12/20/05 13:45	1/3/2006	_____	
T0513102-02	Oily Sludge Oes-110	TCLP ICP Metals	Soil	12/20/2005 9:20	12/20/05 13:45	1/3/2006	_____	
T0513102-02	Oily Sludge Oes-110	TCLP Pesticides	Soil	12/20/2005 9:20	12/20/05 13:45	1/3/2006	_____	
T0513102-02	Oily Sludge Oes-110	TCLP Semi-Volatiles	Soil	12/20/2005 9:20	12/20/05 13:45	1/3/2006	_____	
T0513102-02	Oily Sludge Oes-110	TCLP Volatiles	Soil	12/20/2005 9:20	12/20/05 13:45	1/3/2006	_____	

Tampa Relinquisher: K. Madell

Shipping Receiver: AEL Courier

Date/Time: 12-21-05 12:44

Shipping Relinquisher: AEL Courier

Jacksonville Receiver: AA Lott

Date/Time: 12-22-05 6:20

Phone: (770) 409-1444
Fax: (770) 409-1844
e-mail: acl@acl-labs.net

3039 Amwiler Road • Suite 100 • Atlanta, GA 30360
P.O. Box 88610 • Atlanta, GA 30356
www.advancedchemistrylabs.com

Laboratory Report

ACL Project #: 49539

Client Proj #: T0513102

Prepared For:

Advanced Env. Laboratories, Inc.
6601 Southpoint Pkwy.
Jacksonville, FL 32216-0000

Attention: Mr. Bob Dempsey

Report Date: 12/30/2005

This report contains 5 pages.
(including this cover page and chain of custody)



John Andros
Technical Director

Advanced Chemistry Labs is a woman owned small business concern.

If you have any questions concerning this report, please do not hesitate to call us at (770) 409-1444.

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ACL certifies that the following analytical results meet all the requirements of NELAC.

ACL is accredited by the National Environmental Laboratory Accreditation Program (NELAP).

ACL maintains the following certifications: NELAC (E87212), South Carolina (98009001), North Carolina (362), Florida (E87212), USDA Soil Import License (S-36503).

Data Qualifier Codes

<u>Code</u>	<u>Description</u>
A	Value reported is the mean of two or more determinations;
B	Indicates the analyte was detected in the sample and method blank;
BQL	Below practical quantitation limit;
DW	Results reported on a dry-weight basis (ex: mg/kg,dw);
E	Estimated value: (i) sample received or analyzed beyond the accepted holding time; (ii) sample received at improper temperature; (iii) the continuing calibration for an analyte did not meet qc criteria;
H	Estimated value; result higher than the highest calibration standard;
J	Reported value is between the method detection limit and the practical quantitation limit;
PQL	Practical quantitation limit;
TIC	Tentatively identified compound;
***	Not analyzed due to interferences;

Upon client request, a statement of the test result estimated uncertainty can be provided.

NOTE: Unless otherwise noted, all results are reported on an as received basis.

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Fax: (770) 409-1844
e-mail: acl@acl-labs.net

3039 Amwiler Road • Suite 100 • Atlanta, GA 30360
P.O. Box 88610 • Atlanta, GA 30356
www.advancedchemistrylabs.com

Client: Advanced Env. Laboratories, Inc.
6601 Southpoint Pkwy.
Jacksonville, FL 32216-0000

Client Proj #: T0513102
ACL Project #: 49539
Date Received: 12/28/2005
Date Reported: 12/30/2005

Contact: Mr. Bob Dempsey

TCLP Herbicides (1311/8151A)

Sample ID: T0513102-01

Matrix: Extract
Date Sampled: 12/23/2005
Date Extracted: 12/29/2005
Date Analyzed: 12/29/2005
Analyst: TM

ACL Sample #: 239220 **Units:** mg/L

<u>Analyte</u>	<u>Result</u>	<u>PQL</u>
2,4-D	BQL	1.0
2,4,5-TP (Silvex)	BQL	0.10

Phone: (770) 409-1444
Fax: (770) 409-1844
e-mail: acl@acl-labs.net

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P.O. Box 88610 • Atlanta, GA 30356
www.advancedchemistrylabs.com

Client: Advanced Env. Laboratories, Inc.
6601 Southpoint Pkwy.
Jacksonville, FL 32216-0000

Client Proj #: T0513102
ACL Project #: 49539
Date Received: 12/28/2005
Date Reported: 12/30/2005

Contact: Mr. Bob Dempsey

TCLP Herbicides (1311/8151A)

Sample ID: T0513102-02

Matrix: Extract
Date Sampled: 12/23/2005
Date Extracted: 12/29/2005
Date Analyzed: 12/29/2005
Analyst: TM

ACL Sample #: 239221 **Units:** mg/L

<u>Analyte</u>	<u>Result</u>	<u>PQL</u>
2,4-D	BQL	1.0
2,4,5-TP (Silvex)	BQL	0.10



6601 Southpoint Pkwy. • Jacksonville, FL 32216 • 904.363.9350 • Fax 904.363.9354 • E82574
9610 Princess Palm Ave. • Tampa, FL 33619 • 813.630.9616 • Fax 813.630.4327 • E84589
2106 NW 67th Place, Ste. 7 • Gainesville, FL 32606 • 352.367.1500 • Fax 352.367.0050 • E82620
528 S. North Lake Blvd., Ste. 1016 • Altamonte Springs, FL 32701 • 407.937.1594 • Fax 407.937.1597 • E53076

LAB NUMBER:

Page

NUMBER. 70513102 of

[illegible]

Received on Ice ☒ Yes ☐ No QC ☐ sent ☐ received

revised 8/01

Cooler Temp = 1.8°C (ACL Project # 49539)



Advanced Environmental Labs Inc

Advanced Environmental Labs
9610 Princess Palm Ave.
Tampa, FL 33619

Date/Time Recvd: 12/20/05 1345
Received by: KML

Log-in request number: 70513102
Completed by: AK

Cooler/Shipping Information:

Carrier: ☒ AEL ☐ Client ☐ UPS ☐ Pony Express ☐ FedEx ☐ AES ☐ ASAP ☐ Other (describe): _____
Type: ☒ Cooler ☐ Box ☐ Other (describe): _____

Cooler temperature: Identify the cooler and document the temperature blank or ice water measurement

Cooler ID					
Temp (°C)	<u>6°C</u>				
Temp taken from	<input type="checkbox"/> Sample Bottle <input checked="" type="checkbox"/> Cooler	<input type="checkbox"/> Sample Bottle <input type="checkbox"/> Cooler	<input type="checkbox"/> Sample Bottle <input type="checkbox"/> Cooler	<input type="checkbox"/> Sample Bottle <input type="checkbox"/> Cooler	<input type="checkbox"/> Sample Bottle <input type="checkbox"/> Cooler
Temp measured with	<input checked="" type="checkbox"/> IR gun <input type="checkbox"/> Thermometer (enter ID):	<input type="checkbox"/> IR gun <input type="checkbox"/> Thermometer (enter ID):	<input type="checkbox"/> IR gun <input type="checkbox"/> Thermometer (enter ID):	<input type="checkbox"/> IR gun <input type="checkbox"/> Thermometer (enter ID):	<input type="checkbox"/> IR gun <input type="checkbox"/> Thermometer (enter ID):

Other Information:

Any discrepancies should be explained in the "Comments" section below.

CHECKLIST	YES	NO	NA
1. Were custody seals on shipping container(s) intact?			<input checked="" type="checkbox"/>
2. Were custody papers properly included with samples?	<input checked="" type="checkbox"/>		
3. Were custody papers properly filled out (ink, signed, match labels)?	<input checked="" type="checkbox"/>		
4. Did all bottles arrive in good condition (unbroken)?	<input checked="" type="checkbox"/>		
5. Were all bottle labels complete (sample #, date, signed, analysis, preservatives)?	<input checked="" type="checkbox"/>		
6. Did the sample labels agree with the chain of custody?	<input checked="" type="checkbox"/>		
7. Were correct bottles used for the tests indicated?	<input checked="" type="checkbox"/>		
8. Were proper sample preservation techniques indicated on the label?	<input checked="" type="checkbox"/>		
9. Were samples received within holding times?	<input checked="" type="checkbox"/>		
10. Were all VOA vials checked for the presence of air bubbles?			<input checked="" type="checkbox"/>
11. Were there air bubbles present in the VOA vials?			<input checked="" type="checkbox"/>
12. Were samples in direct contact with wet ice? If "No," check one: <input type="checkbox"/> NO ICE <input type="checkbox"/> BLUE ICE	<input checked="" type="checkbox"/>		
13. Was the cooler temperature less than 6°C?	<input checked="" type="checkbox"/>		
14. Were sample pHs checked and recorded by Sample control? (VOA checked by analysis)			<input checked="" type="checkbox"/>
15. Were the sample containers provided by AEL?	<input checked="" type="checkbox"/>		
16. Were samples accepted into the laboratory?	<input checked="" type="checkbox"/>		
17. Was it necessary to split samples into other bottles?			

Comments:

Advanced

Environmental Laboratories, Inc.

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LAB NUMBER:

Page

Q

[illegible]

I-Ice		H=(HCl)	S=(H2SO4)	N=(HNO3)	T=(Sodium Thiosulfate)	Relinquish by:		Date	Time	Received by:		Date	Time
Shipment						Method	Sample Kit						
Out:						Via:	RB						
Ret:						Via:	AB						
							Trip Bl.						

Received on Ice ☐ Yes ☒ NoQC ☒ sent

☒ received

revised 8/01

Gephart, Albert

From: Gephart, Albert
Sent: Friday, January 06, 2006 11:25 AM
To: Putcha, Subra; Outlaw, Douglas
Cc: Dregne, James
Subject: RE: HOWCO sampling procedure

From my site visit yesterday, I observed that the sampling procedure used from Jan. to Dec. 2005 was not in compliance with the permit and in some months only one sample was taken and there were not three samples taken the previous or subsequent months. I discussed with the HOWCO lab chemist what he thought would be a procedure that he could comply with. Unless we write a different procedure in the renewed permit, the following was agreed to. At the beginning of each month the lab chemist will randomly select two sampling dates for the month from a random number generator chart. Each date must fall within the appropriate two week period or random numbers will continue to be generated until they do. When the selected date arrives, the lab chemist will draw a piece of paper from a jar containing pieces of paper, each having a tank number on them. That will be the tank number to be tested. Numbers will be taken from the jar until a tank number is picked that is full of oil and ready for shipment (the selection of the tank number deviates from the current permit but I believe it qualifies as being random.) On some days there may only be one tank that is full. In that case that is the only tank that can be chosen. In the past there was some confusion that the samples had to be two weeks apart. By generating random sampling dates and using two week periods, there may be cases where samples are taken on consecutive days and there may be periods where there are three samples one month and only one the next. To force the sampling to be exactly every two weeks would not be *random*.

There has been no formal request from HOWCO to modify the sampling procedure so I recommend that we just address it in the Specific Conditions of the renewed permit.

AI

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

From: Putcha, Subra
Sent: Friday, January 06, 2006 9:03 AM
To: Gephart, Albert; Outlaw, Douglas
Cc: Dregne, James
Subject: RE: HOWCO 12/01/05 Meeting at DEP SWD

AI,

What is the agreed sampling procedure between the Department and the Howco. Is it similar to what is written in the permit or is it different? If it is different, do you have signed documentation? Please let me know.

Thanks
 Subra

From: Gephart, Albert
Sent: Friday, January 06, 2006 7:08 AM
To: Putcha, Subra; Outlaw, Douglas
Cc: Dregne, James
Subject: HOWCO 12/01/05 Meeting at DEP SWD

The only notes that I have are that they were to respond to UOP NOD within 15 days (we gave them an extension to 1/3/06) and 15 days to submit intentions for solid waste.

That is all.

1/6/2006

Gephart, Albert

From: MIKE P PETROVICH [MIKEP@hgslaw.com]
Sent: Wednesday, August 02, 2006 3:56 PM
To: Gephart, Albert
Cc: McGuire, Chris; Redig, Michael; mike.farley@dep.state.us; MikeWolfe@howcousa.com
Subject: HOWCO



LTRGephart.PDF

Al - Please see attached.

Michael P. Petrovich
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314-6526
(850) 425-2254
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Thank you.

Hopping Green & Sams

Attorneys and Counselors

August 2, 2006

By Electronic Mail

Al Gephart
Florida Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Re: HOWCO Environmental Services - FLD 152764767
Warning Letter No. 293141 - Pinellas County, FL

Dear Mr. Gephart:

On behalf of my client, HOWCO Environmental Services (Howco), I am sending this letter to respond to the Florida Department of Environmental Protection (FDEP) correspondence dated July 21, 2006, which was received by Howco on July 24, 2006. Without admitting to or otherwise agreeing with the allegations set forth in the FDEP's letter and related attachments, Howco wishes to have a meeting with appropriate FDEP representatives to discuss the alleged violations of Florida Statutes and FDEP rules provided therein. In this regard, Howco is available to meet in FDEP's Southwest District Offices on August 28, 29, or 30, 2006. Please let me know FDEP staff availability to meet on these dates. I look forward to your reply.

Sincerely,

Hopping Green & Sams, P.A.



Michael P. Petrovich

Attorneys for
HOWCO Environmental Services

Al Gephart
August 2, 2006
Page 2 of 2

MPP/rlh

cc: J.M. Farley, Interim District Director, FDEP Southwest District
Mike Redig, FDEP, HWR Section
Chris McGuire, Esq., FDEP, OGC

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: J.M. Farley, Interim District Director

FROM/THROUGH: ~~William~~ William Kutash, Waste Program Administrator

~~James~~ James Dregne, Hazardous Waste Program Manager 7/17

~~Al~~ Al Gephart, Engineering Specialist IV

DATE: July 17, 2006

FILE NAME: HOWCO Environmental Services

COUNTY: Pinellas

PROGRAM: Hazardous Waste

PROJECT # 293141

TYPE OF DOCUMENT: ☐ DRAFT OR ☒ FINAL

☒ WARNING LETTER

☐ CONSENT ORDER

☐ NOV / FINAL ORDER

DESCRIPTION OF VIOLATIONS: This project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/7/05, 1/5/06 and 6/1/06 it was observed that the facility had twenty-three (23) violations of used oil, used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS: The remaining violations have been corrected.

PENALTY ASSESSMENT (SUBMITTED TO OGC FOR AUTHORIZATION):

The District is assessing RCRA and ELRA penalties of \$58,369 for various violations of used oil management and solid waste rules. Departmental costs are \$750.

FOR INFO ONLY
NOT IN
WARNING LETTER

Penalties were assessed in accordance with penalty guidelines under ELRA (403.121, F.S.).

PENALTY:

Amount: \$58,369

Costs & Expenses: \$750

Total: \$59,119

Pending OGC Authorization

ATTACHMENTS:

Warning Letter
Penalty Assessment Worksheet
Compliance Inspection Report/Photos
Inspection Checklist

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:

Ar 21-06

J.M. Farley, Interim District Director

FROM/THROUGH:

WKO

William Kutash, Waste Program Administrator

hjd

James Dregne, Hazardous Waste Program Manager 11/17

AGV

Al Gephart, Engineering Specialist IV

DATE:

July 17, 2006

FILE NAME: **HOWCO Environmental Services**

COUNTY: Pinellas

PROGRAM: Hazardous Waste

PROJECT # 293141

TYPE OF DOCUMENT:

☐ DRAFT OR ☒ FINAL

☒ **OGC PENALTY AUTHORIZATION REQUEST**

☐ CONSENT ORDER

☐ NOV / FINAL ORDER

DESCRIPTION OF VIOLATIONS: This project is a joint inspection by Hazardous and Solid Waste Sections. During compliance inspections on 11/7/05, 1/5/06 and 6/1/06 it was observed that the facility had twenty-three (23) violations of used oil, used oil filter and solid waste rules.

STATUS OF CORRECTIVE ACTIONS: The remaining violations have been corrected.

PENALTY ASSESSMENT **THE ATTACHED PENALTY COMPUTATION SHEETS ARE BEING SUBMITTED TO OGC FOR AUTHORIZATION.**

The District is assessing RCRA and ELRA penalties of \$58,369 for various violations of used oil management and solid waste rules. Departmental costs are \$750.

Penalties were assessed in accordance with penalty guidelines under ELRA (403.121, F.S.).

PENALTY:

Amount: \$58,369

Costs & Expenses: \$750

Total: \$59,119

Pending OGC Authorization

ATTACHMENTS:

Warning Letter
Penalty Assessment Worksheet
Compliance Inspection Report/Photos
Inspection Checklist

LEGAL CASE TRACKING SYSTEM ENFORCEMENT CASE ENTRY FORM

TO: Larry Morgan, OGC

This form accompanied by:

<input checked="" type="checkbox"/> PENALTY AUTHORIZATION	<input type="checkbox"/> Draft Temporary Use Agreement
<input type="checkbox"/> Case Report	<input type="checkbox"/> Draft Final Order (those which do not use
<input type="checkbox"/> Draft NOV	<input type="checkbox"/> Model Order language)
<input type="checkbox"/> Draft Site Access Order	<input type="checkbox"/> Draft Consent Order
<input type="checkbox"/> Draft License and Permit Revocations	

FROM: J. M. Farley

DATE: July 17, 2006

Is this a New case? ☒ Yes ☐ No Current OGC# None

The following information will be used for entry in the Legal Case Tracking System.

Case Name: **HAGAN HOLDING CO. (dba HOWCO ENVIRONMENTAL SERVICES)**

Case Alias: _____

Responsible Office: Southwest District County Pinellas

District Contact: Al Gephart

Program Area Hazardous Waste 2nd Program Area Solid Waste

Date Compliance/Enforcement Case Opened by District 11/07/05

COMET Project No. or other system No.(APIS,PWS) FIESTA, CHAZ #293141

Permit/Application Number: 92465-HO06-001

Site ID Number: FLD 152 764 767 Affected Water Body: _____

Comments: _____

-----FOR OGC USE ONLY-----

OGC NUMBER: _____ Date Case Opened: _____

OGC ATTORNEY ASSIGNED: _____

Send Copies To:

☐ Originator ☐ Other _____

CIVIL PENALTY AUTHORIZATION

SOUTHWEST FLORIDA DISTRICT

Investigator: Al Gephart

Date Submitted: July 17, 2006

1. VIOLATOR(S): Hagan Holding Co. (dba HOWCO Environmental Services)
Tim Hagan, President

2. LOCATION OF VIOLATION: 843 43rd Street South
St. Petersburg, Florida 33711
Pinellas County

3. NATURE OF VIOLATION:

HOWCO Environmental Services is a wholly owned subsidiary of Hagan Holding Company and a permitted Used Oil and Materials Managing facility in Florida. The facility processes used oil for re-sale as fuel and processes oily solids for thermal treatment or land disposal. It also receives, stores and crushes used oil filters for recycling.

On November 5, 2005, DEP personnel from the hazardous waste section and the solid waste section conducted a joint compliance inspection of the processing operations at the facility. Observations made during the inspection, a review of the facility's operating record and subsequent inspections of the facility to assess its compliance with used oil and solid waste rules revealed that the facility had twenty-four violations of which approximately one-half were related to used oil and used oil filters and one-half related to the management of solid wastes.

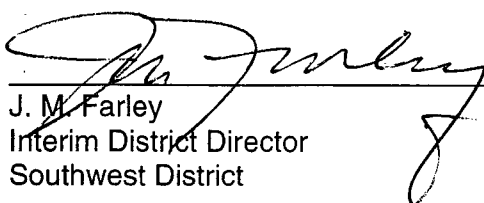
4. PENALTY RATIONALE:

In accordance with Department penalty policies, the violations for which civil penalties are being sought against Hagan Holding Company were calculated using the schedule in Florida Statute 403.121. For the twenty-four violations, the calculated penalty sought against Hagan Holding Company is \$58,369.00. Deviations in the ELRA penalty amounts are noted below:

- For citation (1) above [40 CFR 262.11, failure to characterize solid waste prior to disposal], an additional \$1,000 was assessed because the solid waste is Class I [403.121(3)(e), F.S.].

- For citation (2) above [40 CFR 279.52(a)(3), failure to maintain emergency equipment] an additional \$250 was assessed because there have been two previous violations [401.121(7)(b), F.S.].
- For citation (6) above [62-701.320(1), FAC, operating a solid waste management facility without a permit issued by the Department], the penalty amount reflects a multi-month calculation based on six months operation without a permit.
- For citation (7) above [62-710.401(6), FAC, failure to seal or otherwise protect from the weather containers of used oil] an additional \$500 was assessed because there have been three or more previous violations [401.121(7)(c), F.S.].
- For citation (8) above [62-710.401(6), FAC, failure to properly label containers of used oil] an additional \$125 was assessed because there was one previous violation [401.121(7)(a), F.S.].
- For citation (11) above [62-710.850(5)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional \$500 was added because there have been four previous violations [401.121(7)(c), F.S.].
- For citation (12) above [62-710.850(5)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional \$500 was added because there were three previous violations [401.121(7)(c), F.S.].
- Citation (13) above [62-710.850(5)(a), FAC, failure to provide an impermeable surface for the storage of containers of used oil filters and oily waste solids], the penalty assessment cited is in 403.121(4)(b), F.S.
- For citation (14) above [failure to comply with Specific Condition II.8(a) in the facility's operating permit, failure to follow the required sampling protocol for processed oil] an additional \$500 was assessed because there was one previous violation [401.121(7)(a), F.S.].
- For citation (21) above [failure to comply with Specific Condition IV.6(b) in the facility's operating permit, failure to store processed solids in a lined, covered roll-off container] an additional \$125 was assessed because there was one previous violation [401.121(7)(a), F.S.].
- For citation (22) above [failure to comply with Specific Condition IV.7(d), FAC in the facility's operating permit, failure to properly label containers of processed solids] an additional \$125 was assessed because there was one previous violation [401.121(7)(a), F.S.].
- For citation (24) above [failure to comply with Specific Condition IV.10 in the facility's operating permit, failure to contain, clean up and properly manage released oil and oily waste) an additional \$250 was assessed because there were two previous violations [401.121(7)(b), F.S.].

5. PENALTY RECOMMENDATION: I recommend that \$58,369.00 in penalties plus \$750.00 in Department costs be sought against Hagan Holding Co. as calculated on the attached civil penalty worksheets.


J. M. Farley
Interim District Director
Southwest District

_____ Approved

_____ Disapproved

General Counsel

Date: _____

Comments:

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 #: 293141

Date: June 19, 2006

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to characterize solid waste prior to disposal via landfilling.	ELRA	40 CFR 262.11	\$2,000	---	\$1,000	\$3,000
2.	Failure to maintain emergency equipment.	ELRA	40 CFR 279.52(a)(3)	\$500	---	\$250	\$750
3.	Failure to amend the facility Contingency Plan.	ELRA	40 CFR 279.52(b)(4)(v)	\$1,000	---	---	\$1,000
4.	Failure to adequately train personnel.	ELRA	40 CFR 279.54	\$500	---	---	\$500
5.	Failure to submit a solid waste processing facility permit renewal application in a timely manner.	ELRA	62-701.300(1)(a) 62-701.320(10)(a)	\$2,000	---	---	\$2,000
6.	Operating a solid waste management facility without a permit.	ELRA	62-701.320(1)	\$5,999	Six Months	---	\$35,994
7.	Failure to seal or otherwise protect from the weather containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$500	\$1,000
8.	Failure to properly label containers of used oil.	ELRA	62-710.401(6)	\$500	---	\$125	\$625
9.	Failure to provide adequate secondary containment for containers of used oil.	ELRA	62-710.401(6)	\$500	---	---	\$500
10.	Failure to submit a used oil processing facility permit renewal application in a timely manner.	ELRA	62-710.800(4)	---	---	---	Combined with #5 above.
11.	Failure to store used oil filters in sealed containers.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
12.	Failure to properly label containers of used oil filters.	ELRA	62-710.850(5)(a)	\$500	---	\$500	\$1,000
13.	Failure to provide an impervious surface for storage of used oil filters.	ELRA	62-710.850(5)(a)	\$4,000	---	---	\$4,000

PENALTY COMPUTATION WORKSHEET (CONTINUED)

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 #: 293141

Date: June 19, 2006

	Violation Type	Manual Guide	Citation	Penalty	Multi Day	Other Adjustments	Total
14.	Failure to follow the required sampling protocol for processed oil.	ELRA	Permit Cond. II.8(a)	\$2,000	---	\$500	\$2,500
15.	Failure to perform required analyses of processed oil.	ELRA	Permit Cond. II.8(c)(2)	---	---	---	Combined with #13 above
16.	Use of an unauthorized solidification agent.	ELRA	Permit Cond. IV.1(a)(12)	\$500	---	---	\$500
17.	Accepting unpermitted materials for processing or storage.	ELRA	Permit Cond. IV.1(b)	\$500	---	---	\$500
18.	Failure to repair or replace processing equipment within one week of discovery.	ELRA	Permit Cond. IV.3(b)	\$500	---	---	\$500
19.	Failure to sample, analyze and characterize materials to meet disposal facility criteria.	ELRA	Permit Cond. IV.5(c)	\$500	---	---	\$500
20.	Failure to provide an impervious surface for storing or processing oily waste solids.	ELRA	Permit Cond. IV.6(b)	---	---	---	Combined with #12 above.
21.	Failure to store processed solids in a covered, lined roll-off container.	ELRA	Permit Cond. IV.6(b)	\$500	---	\$125	\$625
22.	Failure to properly label containers of processed solids.	ELRA	Permit Cond. IV.7(d)	\$500	---	\$125	\$625
23.	Failure to maintain required records of waste streams.	ELRA	Permit Cond. IV.9	\$500	---	---	\$500
24.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	Permit Cond. IV.10	\$500	---	\$250	\$750
Departmental Costs:							\$750
TOTAL PENALTY:							\$59,119

PENALTY COMPUTATION WORKSHEET (CONTINUED)

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 #: 293141

Date: June 19, 2006

=====

NOTES:

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Warning Letter #293141

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Tim Hagan, President
Hagan Holding Company
[dba HOWCO Environmental Serv.]
3701 Central Avenue
St. Petersburg, FL 33713

4a. Article Number

7004 0750 0003 0516 4905

4b. Service Type

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

7. Date of Delivery

JUL 24 2006

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

-X *Melanie Gaudan*

PS Form 3811, December 1994

Domestic Return Receipt

7004 0750 0003 0516 4905

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

Sent To

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

City, State, ZIP+

Mr. Tim Hagan, President
Hagan Holding Company
[dba HOWCO Environmental Serv.]
3701 Central Avenue
St. Petersburg, FL 33713

Mailed
7-24-06

Postmark
Here

ARB

PS Form 3800, June 2002

See Reverse for Instructions

Thank you for using Return Receipt Service.

ST PETERSBURG

FL 337 21

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
Attn: Albert Gephart - HW
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

JUL 25 2006

Southwest District

0926 R078



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

July 21, 2006

CERTIFIED MAIL 7004 0750 0003 0516 4905
RETURN RECEIPT REQUESTED

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

Re: HOWCO Environmental Services
FLD 152 764 767
Warning Letter #293141
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. Hazardous waste program field inspections conducted on November 7, 2005, January 5, 2006 and June 1, 2006, indicate 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.

Sections 403.161 and 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)632-7600, 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.

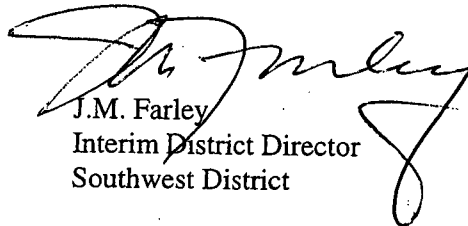
"More Protection, Less Process"

Printed on recycled paper.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), 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, the penalties which can be assessed in hazardous waste cases are up to \$27,500 per day per violation

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

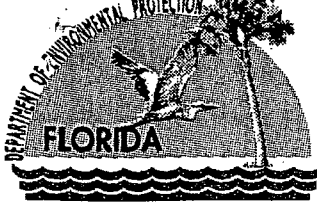


J.M. Farley
Interim District Director
Southwest District

JMF/afg

Attachment

cc: Charles Ryburn, Pinellas County DEM
Jeff Pallas, US EPA Region IV
Mike Redig, HWR Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

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: 11/07/05 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 checked="" 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

Danielle Nichols - FDEP
Richard Dillen - HOWCO

Bret Galbraith - FDEP
Juan Rullier, 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 and accepts oily waste solids which are processed and solidified prior to disposal at a landfill. The processing of solid wastes is overseen by the Department's Solid Waste Management Program that also participated in this inspection.

Upon inspecting the used oil processing area it was observed that there were three open containers of used oil in the area of tank #170. Failure to label containers of used oil and failure to seal containers of used oil, or otherwise protect them from the weather, are violations of **62-710.401(6), FAC**.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. The solidified wastes are managed as non-hazardous material. On two inspection dates, November 7, 2005 and on January 5, 2006, the drum storage area on the south side of the property, west and east of the used oil filter crusher, was inspected. On 11/7/05 it was observed that the surface of the secondary containment area was no longer "impervious" as required. HOWCO had been advised in past compliance inspections dated 8/13/01, 7/24/02 and 6/24/03 that this was an area of concern to the Department and that HOWCO was to assess this area by power washing the surface, inspecting the integrity of the concrete floor and seal coat and make repairs, as needed. On this inspection it was observed that there were cracks throughout the entire containment area and the entire area was not impervious to contaminants. This is a violation of **62-710.850(5)(a), FAC**. During a follow-up site visit on June 1, 2006, it was observed that the facility had cleaned and re-sealed the secondary containment area. However, there were areas in which the sealant had been gouged off due to the movement of roll-off boxes in and out of the area. The facility needs to address how they will ensure an impervious surface.

At the time of the 11/7/05 inspection, there were five (5) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, one contained demolition and yard debris, one contained used oil filters and the fifth was empty. It was observed that one roll-off box of processed material had a puncture in one of its plastic "doors". This is a violation of **Specific Condition IV.6(b)** in the facility's operating permit which requires that all processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces. Also observed was one covered roll-off box containing processed waste which was labeled "EMPTY". This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit which states that such containers shall be labeled "Processed Solid Waste". During the inspection, facility personnel stated that one of the facility's vacuum trucks had been down for a month and no replacement equipment had been found as yet. This is a violation of **Specific Condition IV.3(b)** in the facility's operating permit which requires in such event, the permittee shall complete repairs or provide reserve equipment within one week of discovery of the equipment failure.

The drum storage area also contained fifty seven (57) drums of oily waste and more than 100 drums of used oil filters. Department staff inspected the shipment from GAF that included 57 drums (manifest #0070133962) most of which were labeled "used oil" that were received on or around October 19, 2005 by the facility. Upon examination of the contents of these drums, it was observed that little of the material was suitable/useable to recover used oil. A subsequent discussion with Mike Wolfe regarding this shipment revealed that the facility was aware that very little of the material could be processed and HOWCO would essentially just be taking the material to the landfill. The waste was not readily identifiable, and a good portion appeared to be trash, contaminated with small amounts of oil. There was also a roll-off of various construction and demolition debris that was not apparently contaminated by oil.

Facility personnel explained to DEP staff that this roll-off came from a "sister" facility's yard and was going to Okeechobee Landfill and that the present facility was only being used as a transfer point. These activities are in violation of **Specific Condition IV.1(b)** (the accepted materials lists) in the facility's operating permit.

Of over 100 drums of used oil filters, there were a large number of drums improperly labeled and one roll-off box of used oil filters that was covered with a tarp made from a mesh material. On 1/5/06 it was observed that there was one drum of used oil filters that had no lid, and there was no lid in the area. On a site visit 6/1/06 four drums of used oil filters were not sealed or protected from the weather. Failure to properly seal containers of used oil filters or otherwise protect them from the weather is a violation of **62-710.850(5)(a), FAC**.

There was a container of used oil that was not sealed and not protected from the weather, and it was observed that there were approximately thirty-three 55-gallon drums that were improperly labeled "water & oil mixed." Failure to properly label and seal containers of used oil or otherwise protect them from the weather are violations of **62-710.401(6), FAC**.

In addition, on both site visits it was disturbing to the inspectors that the Plant Manager and facility personnel could not tell the inspectors what the contents were of many drums and could not explain the labeling on containers. This indicates a deficiency in the facility's training program. The failure to properly train facility personnel managing wastes is a violation of **40 CFR 279.54** [used oil processor/refiners are subject to all applicable Spill Prevention Control and Countermeasures (40 CFR part 112)]. 40 CFR 112.7(f)(1) addresses personnel training. At a minimum, facility personnel are to be trained in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility's SPCC and Contingency Plans.

During the 1/5/06 site visit it was observed that personnel were processing solid waste in a roll-off box in the solid waste processing area. Mulch was being added to oily solid waste for solidification prior to disposal. Mulch is not one of the approved solidification agents. Because HOWCO did not provide written notice of its use to the Department, it is a violation of **Specific Condition IV.1(a)(12)** in the facility's operating permit. The area around the roll-off box had pools of used oil, and the roll-off box was laden with pools of used oil. During a site visit on 2/16/06 it was again observed that there was a roll-off box in the solids processing area that had a pool of oil on top of the tarp. Under the tarp, the contents were laden with a pool of used oil. These are violations of **Specific Condition IV.10** in the facility's operating permit. In processing oily waste, the correct procedure is for HOWCO to recover any used oil in either the cone bottom tank (#110) or the inclined tank (#111) prior to processing the waste. It appeared that this was not being done. Failure to perform a hazardous waste determination prior to land disposal of this material is a violation of **40 CFR 262.11 [per 40 CFR 279.10(e)(3)(i)]**. Also, the roll-off box was not properly labeled, "Processed Solids". On a site-visit 6/1/06 it was again observed that a roll-off box was not properly labeled, "Processed Solids." This is a violation of **Specific Condition IV.7(d)** in the facility's operating permit.

There were two 55-gallon drums of used oil behind the laboratory in secondary containment. However, there was oil in the secondary containment, and the secondary containment does not appear to have the capacity to contain at least 110% of the largest container. This is a violation of **62-710.401(6), FAC**. The facility shall ensure that the containment system is emptied to accommodate any future spills or leaks and that there is the appropriate containment capacity.

The fire and emergency equipment are inspected monthly and are tested annually. Fire extinguishers were serviced in August and October 2005, except for the maintenance shop fire extinguisher that was last serviced in November 2004. The facility is to ensure that all fire extinguishers are serviced annually.

DEP staff also observed that not all outgoing material to be disposed was sampled and analyzed on an annual basis. This is a violation of **Specific Condition IV.5(c)** in the facility's operating permit, which requires such sampling and analysis be done on an annual basis or more frequently if required. Records of waste streams at the facility were found to be inadequate. This is a violation of **Specific Condition IV.9** in the facility's operating permit. It was observed that there was not a signed waste profile form for each waste stream received, and that some manifests did not have a date on which the manifest was signed and/or did not have the signatory's name printed on the manifest. On some occasions, it was found that the waste stream was not adequately identified (i.e. "Sludge") with any description of where or from what materials/process the waste was generated.

On January 5, 2006, the facility was re-visited to review operating records. Upon reviewing the sampling protocol for determining whether off-site shipments of oil were "on-spec", it was determined that from January to December 2005 the facility had not been following the random sampling procedure as specified in its operating permit. This is a violation of **Specific Condition II.8(a)** in the facility's operating permit. In addition, the facility did not sample one tank (or batch) every two weeks as required. Of a possible 26 sampling events HOWCO sampled only 24 times in 2005. This is a violation of **Specific Condition II.8(c)(2)** in the facility's operating permit. It was also observed that Batch #2586 was sampled on 12/28/05 and loads were shipped off-site on 12/29/05 which was before the results for the previous batch (Batch #2585 sampled on 12/27/05) were received. The purpose of the sampling program is to determine compliance with the "on-spec" criteria for processed oil. It is not appropriate to ship processed oil prior to the specification analyses being received.

The monthly inspection logs were reviewed and found to be complete. However, it was noted that on the January 2005 inspection log the loud speaker for communications was not functional and corrective action was required. This same notation was noted on the February, March, April and May 2005 inspection logs. On the June 2005 inspection log it was noted that the communications system was okay, but on the July 2005 inspection log it was again noted as not being functional. On the August 2005 inspection log it was noted that the facility started using a megaphone for communications. Failure to provide or maintain emergency equipment such as the communications and alarm systems is a violation of **40 CFR 279.52(a)(3)**. Failure to amend the facility Contingency Plan to denote a change in emergency procedures is a violation of **40 CFR 279.52(b)(4)(v)**. Failure to train personnel of the availability and use of the communication system is a violation of **40 CFR 279.54 [reference to 40 CFR 112.7(f)]**. The one megaphone or bull horn is kept in the Plant Manager's office. The facility shall either get the loud speaker system repaired or find other devices of communication and provide multiple units for facility personnel to use. The facility shall also train facility personnel on the usage of the communication device(s).

HOWCO was delinquent in submitting its Used Oil Processing Permit Renewal Application. The application was due on June 4, 2005, sixty (60) days prior to the expiration date of the existing permit. This is a violation of **62-710.800(4)**, FAC. The District received a copy of the permit renewal application on July 26, 2005.

HOWCO was also delinquent in submitting its Solid Waste Processing Permit Renewal Application. Rule 62-4.090(1), FAC, requires that sixty days prior to permit expiration the permittee shall apply for a renewal of the permit. The permit renewal application was submitted (Aug. 29, 2005) and was not made

complete prior to the expiration of the permit. The application was not timely, and the permit expired, yet the facility has continued to operate without authorization (a permit). This is in violation of Rules 62-701.300(1)(a), FAC, and 62-701.320(10)(a), FAC, which state that no person shall store, process, or dispose of solid waste except at a permitted solid waste facility or a facility exempt from permitting under certain circumstances, and if a renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient, unless it is submitted and made complete prior to the expiration of the existing permit. During the November 7, 2005, compliance inspection, facility personnel were advised that they were operating without a solid waste permit. This is a violation of 62-701.320(1), FAC.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 262.11	Failure to make a hazardous waste determination prior to treating used oil processing residuals, or un-processable residuals.
40 CFR 279.52(a)(3)	Failure to maintain a functioning communications or alarm system.
40 CFR 279.52(b)(4)(v)	Failure to amend the facility's Contingency Plan (after a change in emergency communications procedure.)
40 CFR 279.54	Failure to adequately train personnel.
62-701.300(1)(a), FAC and 62-701.320(10)(a), FAC	Failure to submit a solid waste facility processing facility permit renewal application in a timely manner.
62-701.320(1), FAC	Operating a solid waste management facility without a permit issued by the Department.
62-710.401(6), FAC	Failure to seal or otherwise protect from the weather containers of used oil. <i>(Repeat Violation).</i>
	Failure to properly label containers of used oil. <i>(Repeat Violation).</i>
	Failure to provide adequate secondary containment capacity for containers of used oil.
62-710.800(4), FAC	Failure to submit a used oil processor facility renewal permit application to the Department at least 60 days prior to the expiration date of the existing permit.
62-710.850(5)(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." (Repeat Violation).
	Failure to provide an impervious surface for the storage of containers of used oil filters. (Corrected)
Specific Condition II.8(a)	Failure to follow sampling protocol for processed oil. (Corrected)
Specific Condition II.8(c)(2)	Failure to sample and analyze processed oil at the required frequency.
Specific Condition IV.1(a)(12)	Failure to use an authorized solidification agent for processing solids.
Specific Condition IV.1(b)	Failure to perform acceptance screening on materials prior to processing or storage.
Specific Condition IV.3(b)	Failure to repair or replace inoperable processing equipment within one week of discovery.
Specific Condition IV.5(c)	Failure to, at least annually, sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.
Specific Condition IV.6(b)	Failure to provide an impervious surface for storing or processing oily waste solids. (Corrected)
	Failure to store solids in a covered, lined roll-off container.
Specific Condition IV.7(d)	Failure to properly label containers of processed solids with the words, "Processed Solids."
Specific Condition IV.9	Failure to maintain required records of waste streams (signed waste profile of material received, dated signed manifests and proper description of waste.)
Specific Condition IV.10	Failure to contain, clean up and properly manage released oil and oily waste.

11. RECOMMENDED CORRECTIVE ACTIONS:

40 CFR 262.11

Effective immediately and henceforth, the facility shall
ensure that solid wastes are characterized prior to
landfilling for disposal.

40 CFR 279.52(a)(3)	Effective immediately and henceforth, the facility shall ensure that communications or alarm systems are functional.
40 CFR 279.52(b)(4)(v)	Effective immediately and henceforth, the facility shall amend the facility's Contingency Plan to reflect changes in the facility's operations and procedures.
40 CFR 279.54	Effective immediately and henceforth, the facility shall ensure personnel are adequately trained.
62-701.300(1)(a), FAC and 62-701.320(10)(c), FAC	Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.
62-701.320(1), FAC	Effective immediately the facility shall cease its solid waste management activities until issued a permit by the Department.
62-710.401(6), FAC	Effective immediately and henceforth, the facility shall ensure that used oil containers are sealed or protected from the weather, are properly labeled and there is adequate capacity in the secondary containment to contain 110% of the largest container within containment.
62-710.800(4), FAC	Effective immediately and henceforth, the facility shall ensure that it makes timely submittals regarding all of its operating permit requirements.
62-710.850(5)(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, properly labeled and stored on an impervious surface.
Specific Condition II.8(c)(2)	Effective immediately and henceforth, the facility shall ensure that it performs the required analyses of processed oil as specified in the facility's operating permit.
Specific Condition IV.1(a)(12)	Effective immediately and henceforth, the facility shall ensure that it uses an approved solidification agent for processing oily waste or requests and receives prior Department approval for use of an alternate agent.
Specific Condition IV.1(b)	Effective immediately and henceforth, the facility shall limit the acceptance of solid waste to those materials specified and defined in the facility's operating permit.

Specific Condition IV.3(b)

Effective immediately and henceforth, the facility shall repair or replace operating equipment within one week after discovery.

Specific Condition IV.5(c)

Effective immediately and henceforth, the facility shall ensure, at least annually, to sample, analyze and characterize materials to meet intended disposal facilities' acceptance criteria.

Specific Condition IV.6(b)

Effective immediately and henceforth, the facility shall ensure that processed solids are stored in a lined and covered roll-off container.

Specific Condition IV.7(d)

Effective immediately and henceforth, the facility shall ensure that containers of processed solids are properly labeled, "Processed Solids."

Specific Condition IV.9

Effective immediately and henceforth, the facility shall maintain complete and accurate records of waste profiles, manifests and proper descriptions of materials received.

Specific Condition IV.10

Effective immediately and henceforth, the facility shall ensure that personnel contain, clean up and properly manage released oil and oily waste.

Report Prepared By:

Al Gephart
Al Gephart Engineering Specialist IV

Report Reviewed By:

Danielle Nichols
Danielle Nichols Environmental Specialist I

Report Reviewed By:

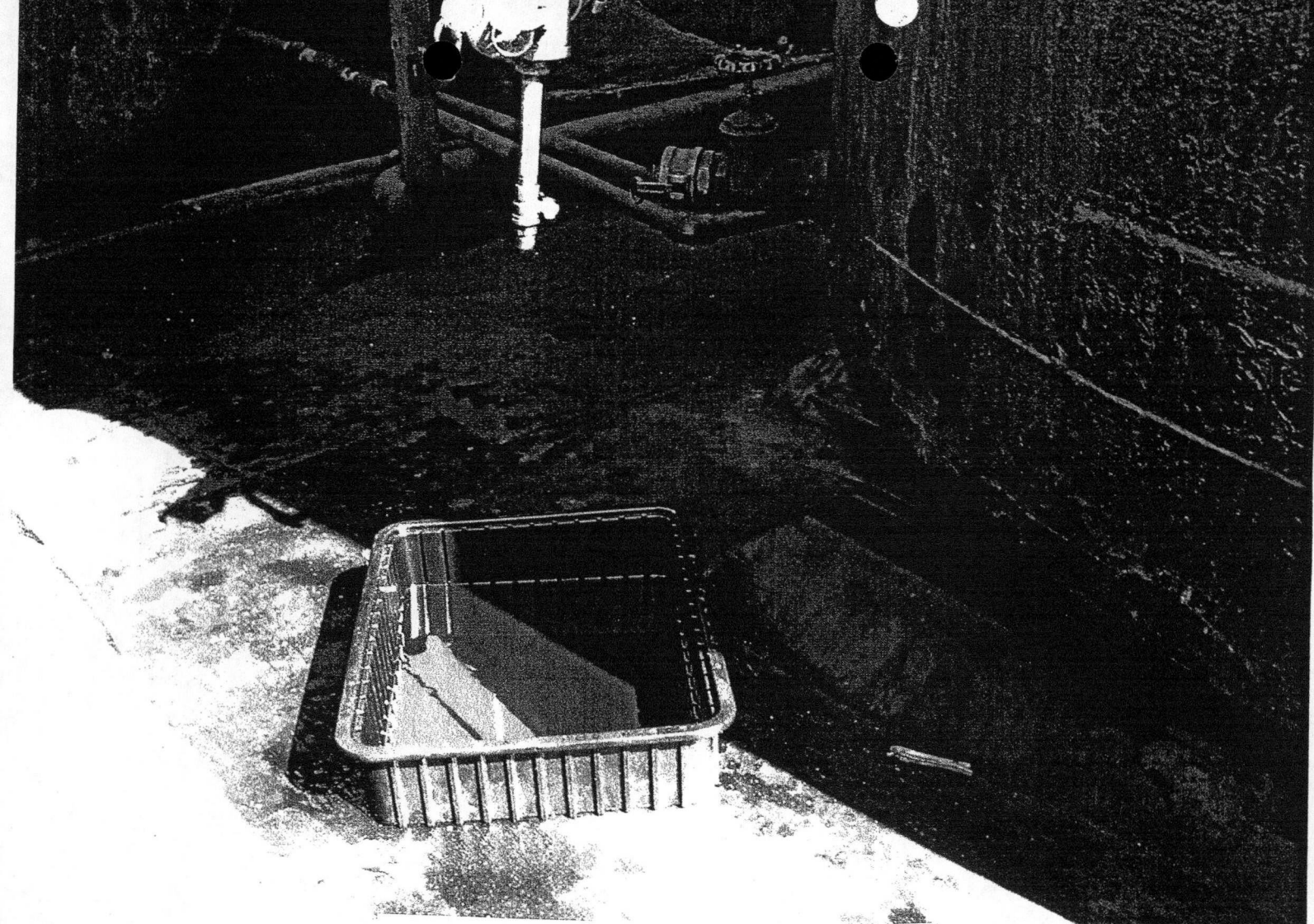
Kelly Honey
Kelly Honey Environmental Specialist II

Report Approved By:

Elizabeth Knauss
Elizabeth Knauss Environmental Manager

Date

6/19/06



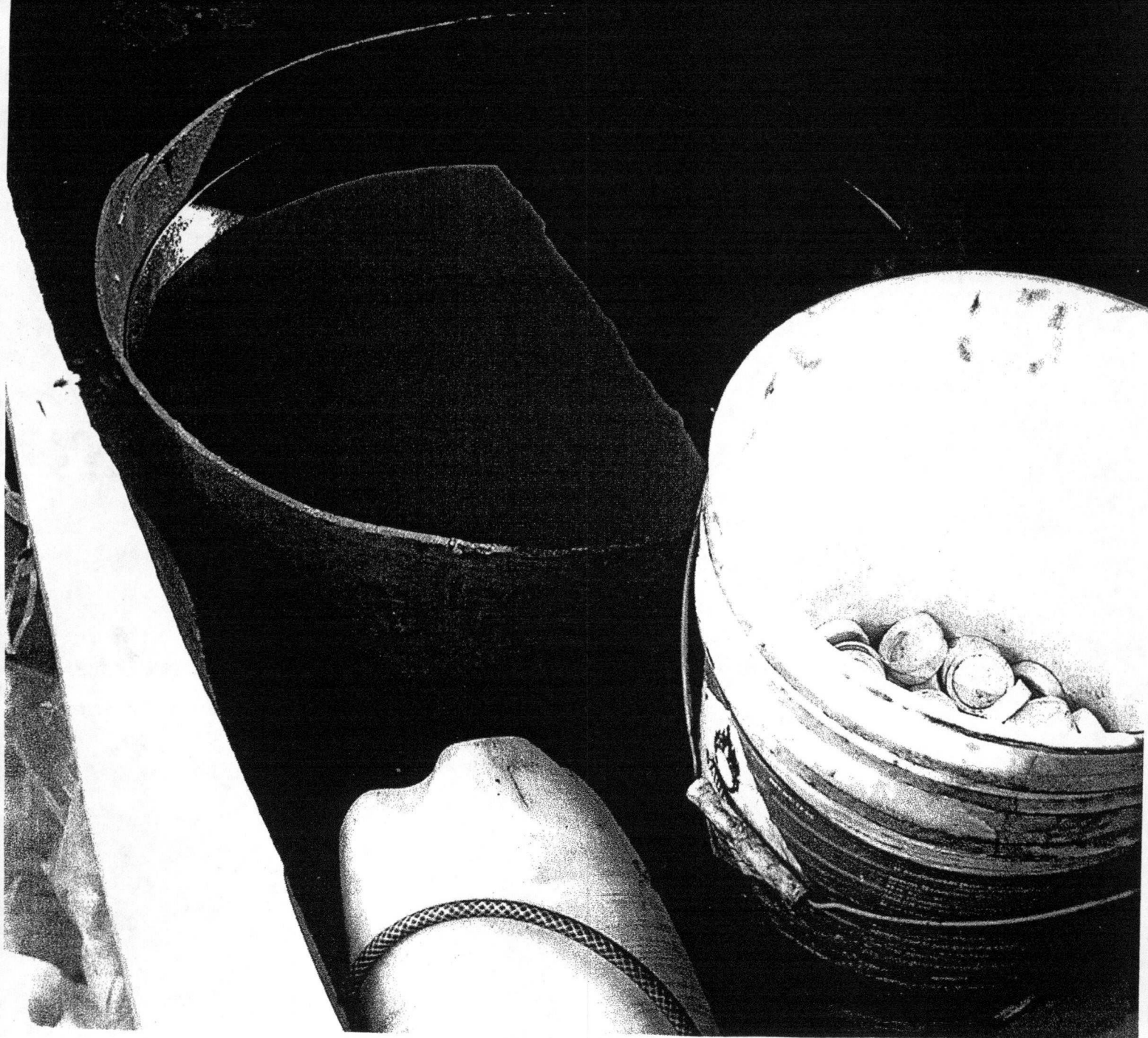
HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

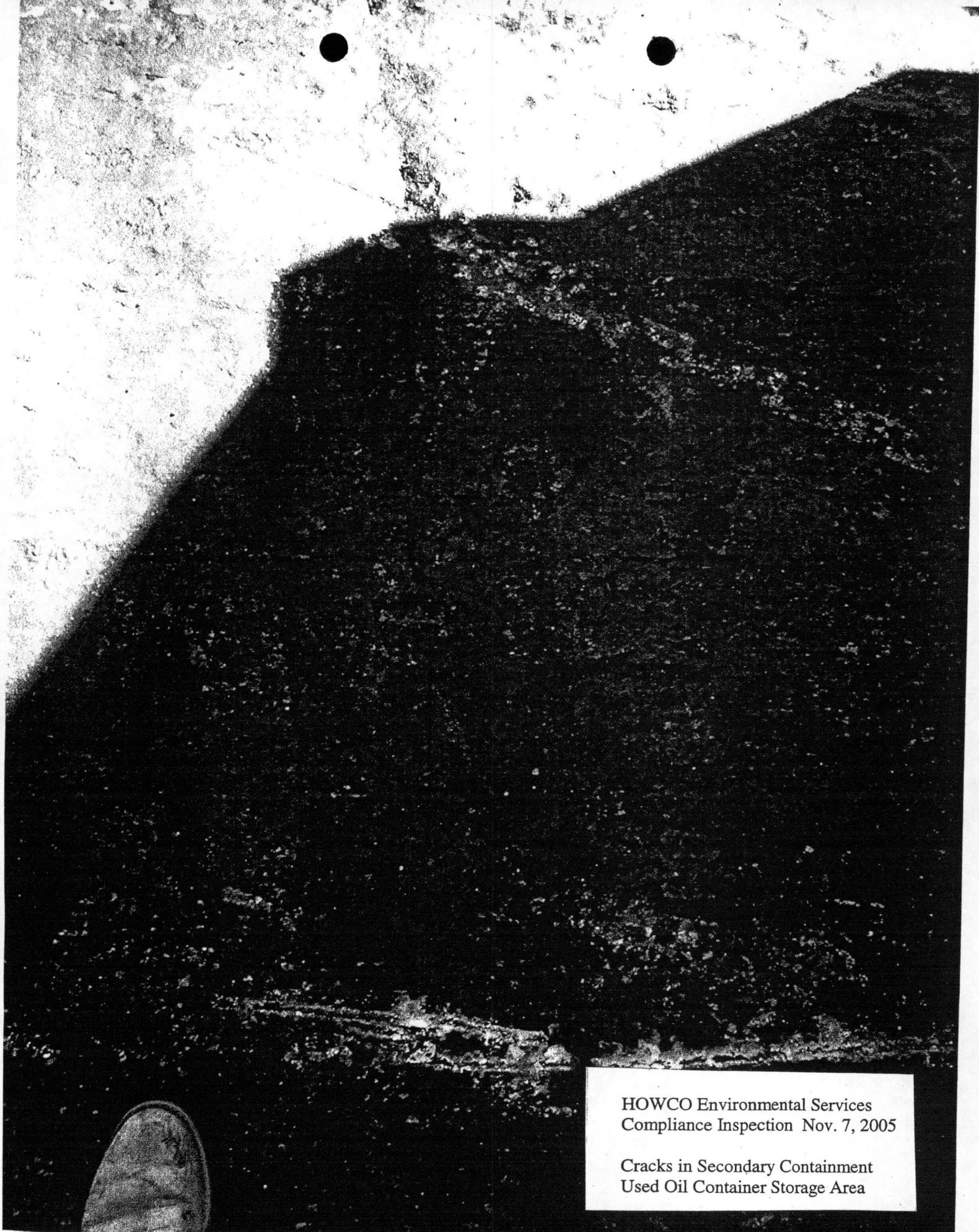
Secondary containment area around Tank #170.
Open container of used oil, not labeled.



HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

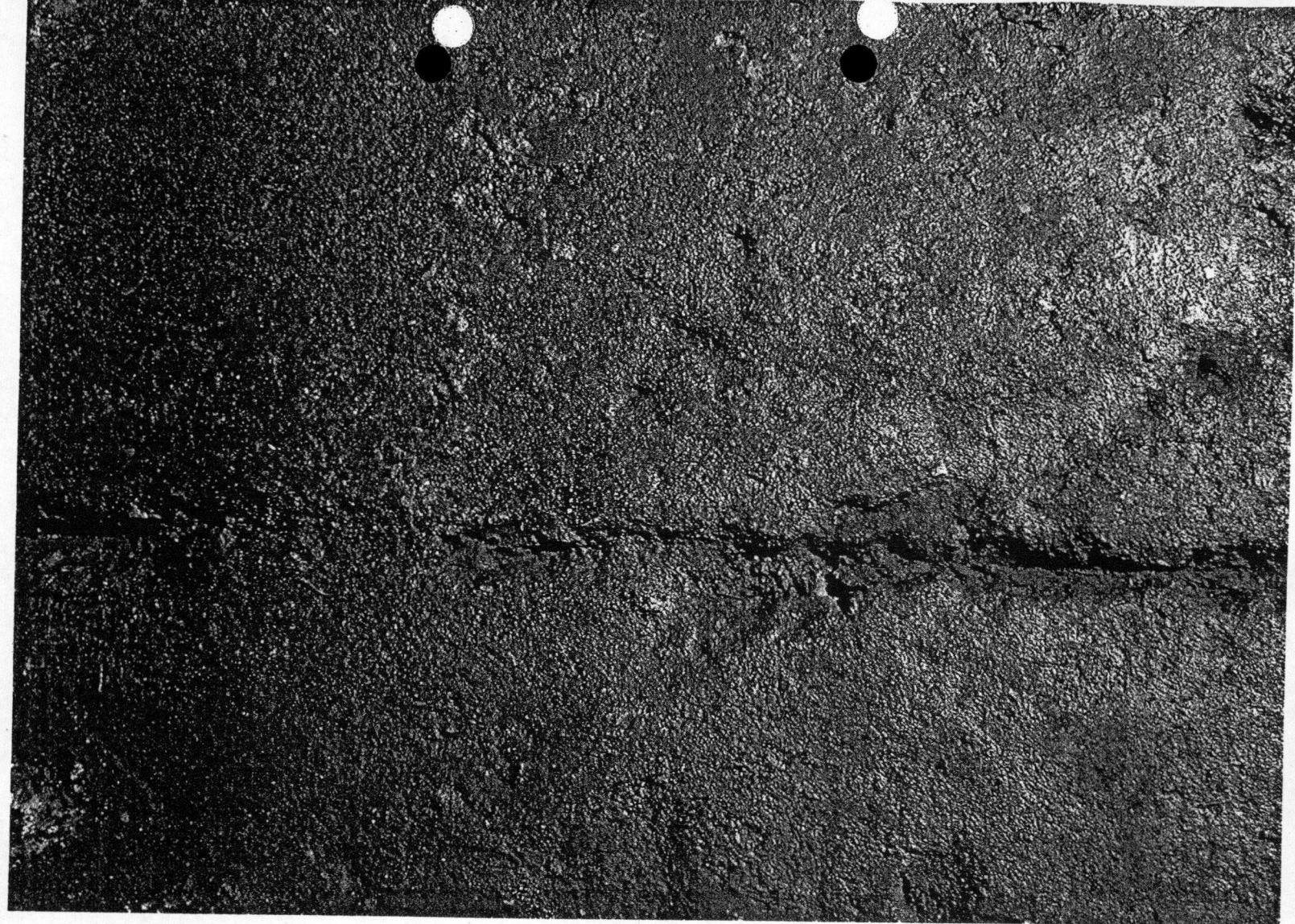
Secondary containment area around Tank #170.
Open Container of used oil, not labeled.





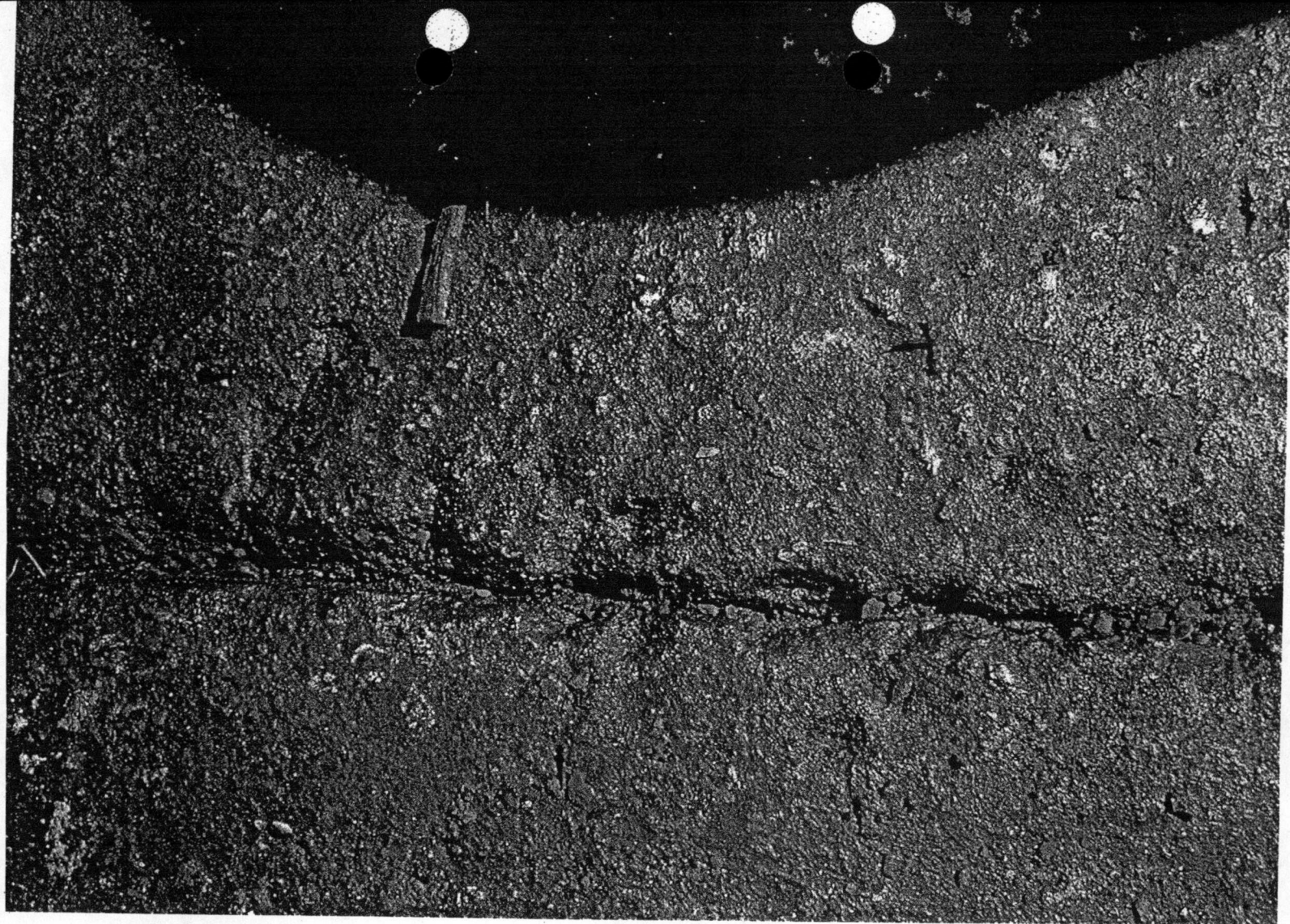
HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Cracks in Secondary Containment
Used Oil Container Storage Area



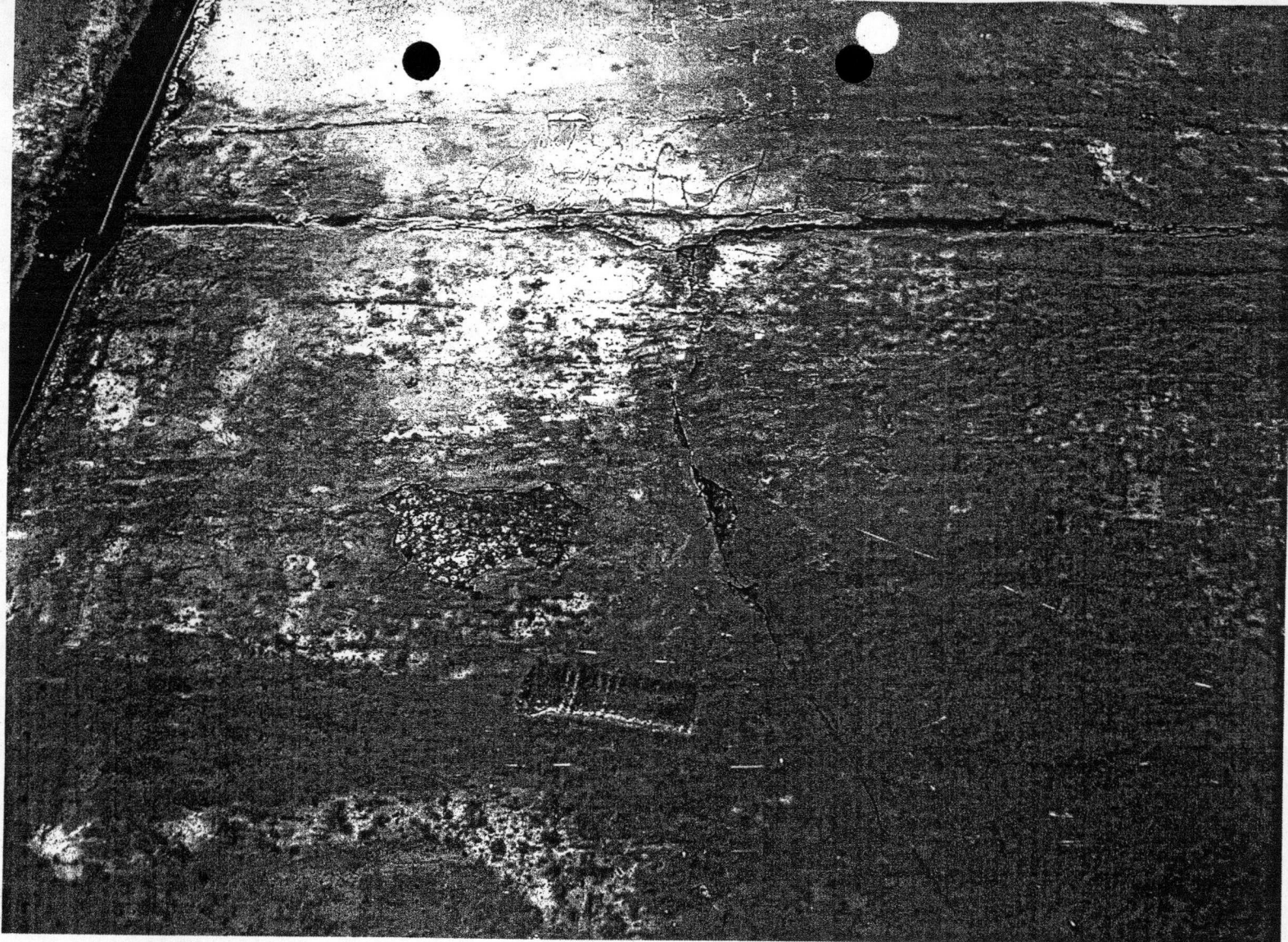
HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Cracks in Secondary Containment
Used Oil Container Storage Area



HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

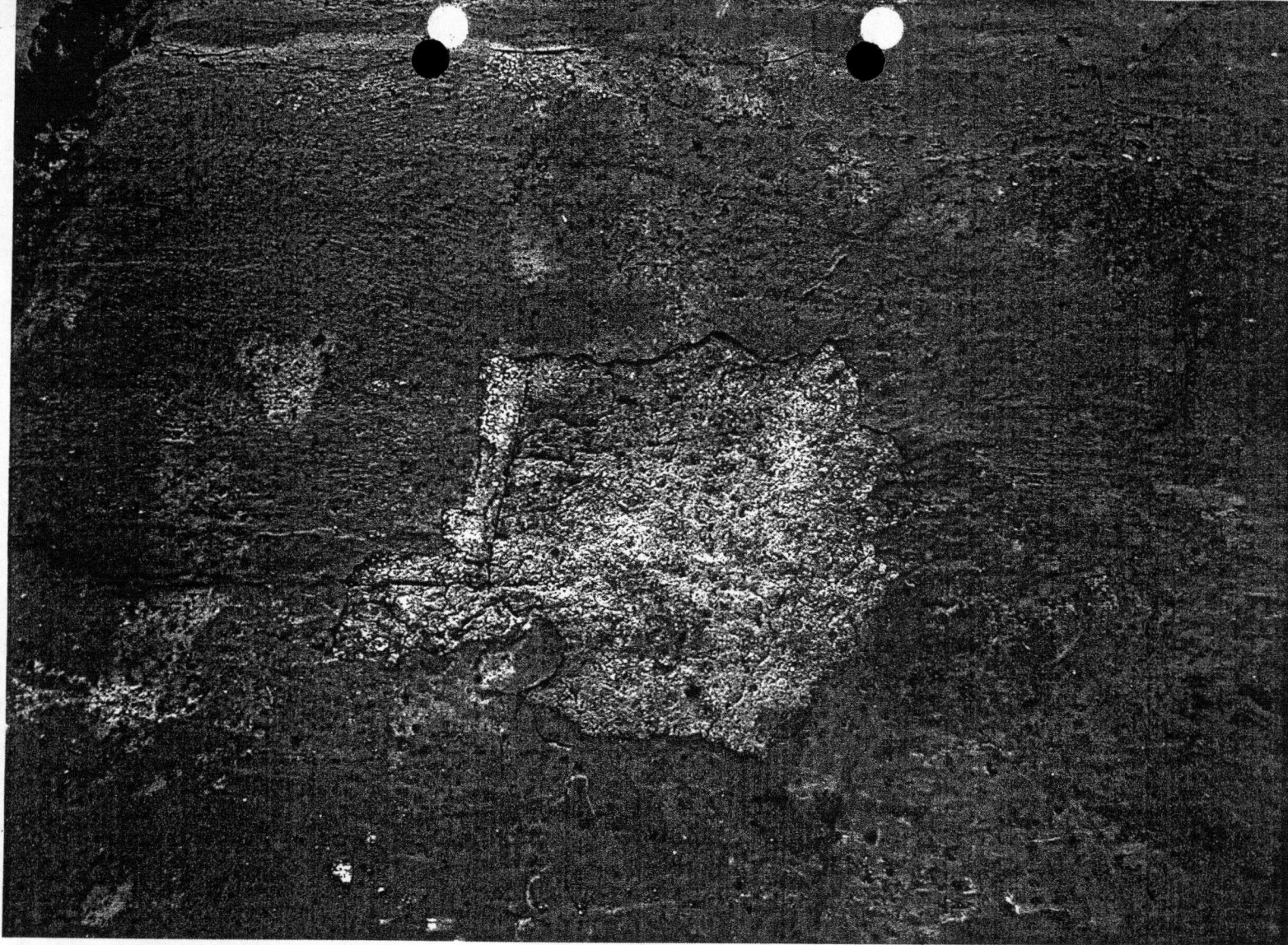
Cracks in Secondary Containment
Used Oil Container Storage Area



6-1-06 HOWCO

SLAB IN CONTAINER & PROCESSED SOLIDS STORAGE AREA.
FRESHLY SEALED CONTAINMENT AREA IS NOT HOLDING UP
TO THE MOVEMENT OF ROLL-OFF BOXES.

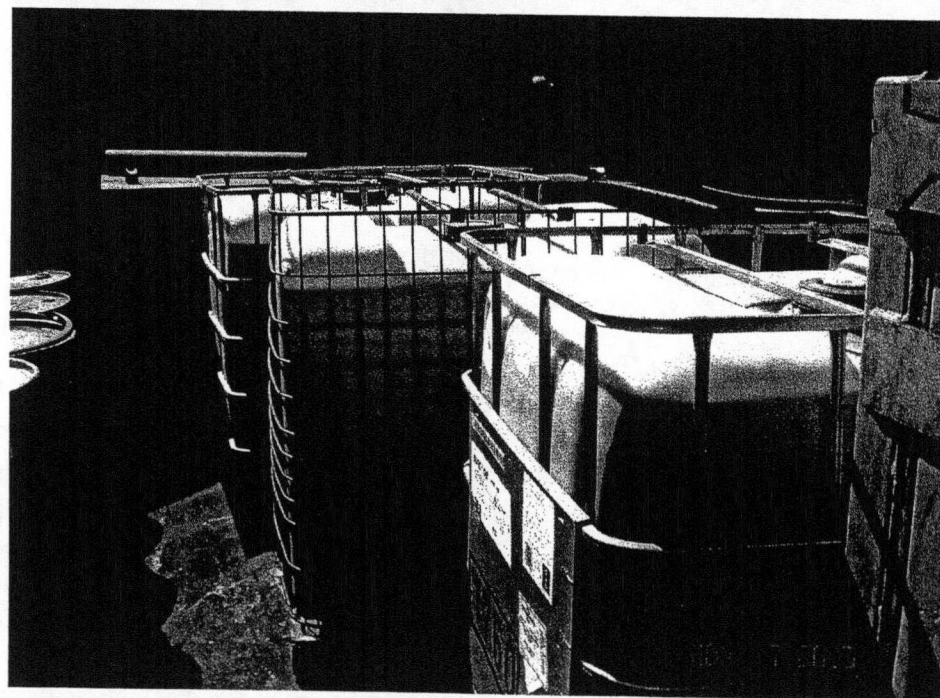
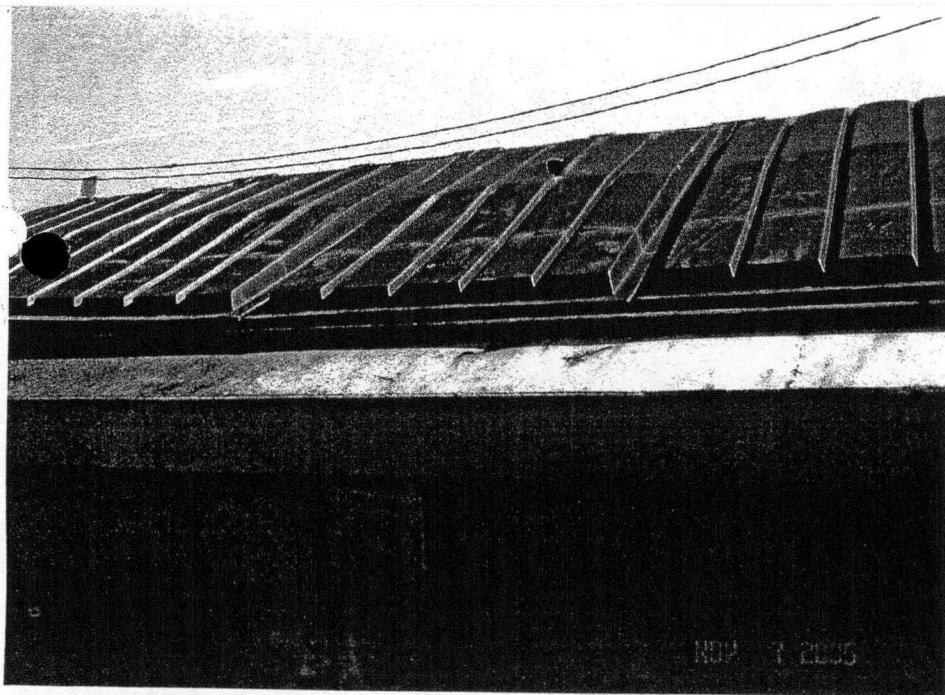
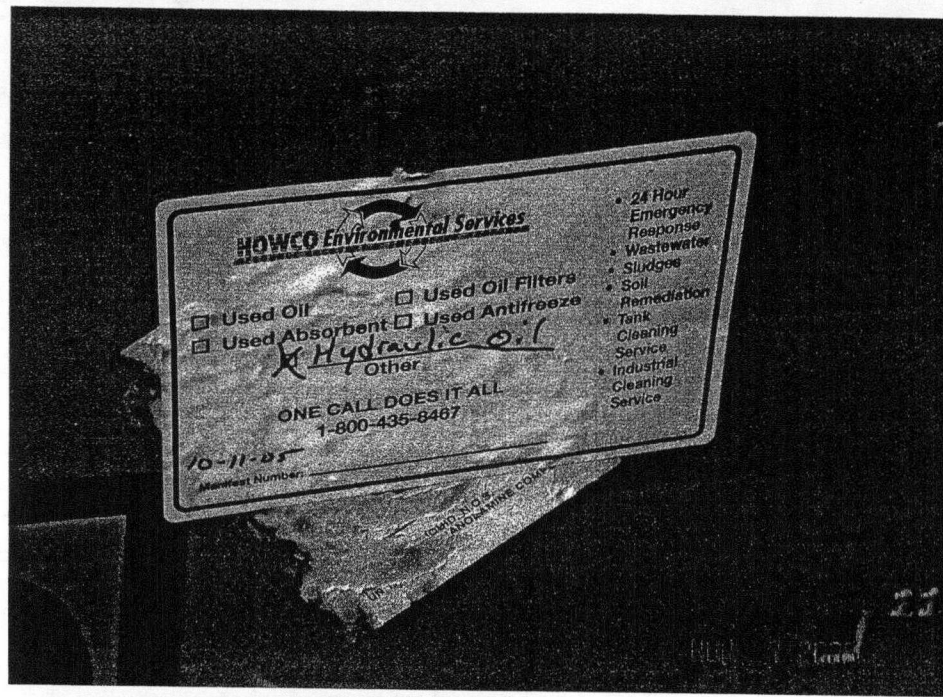
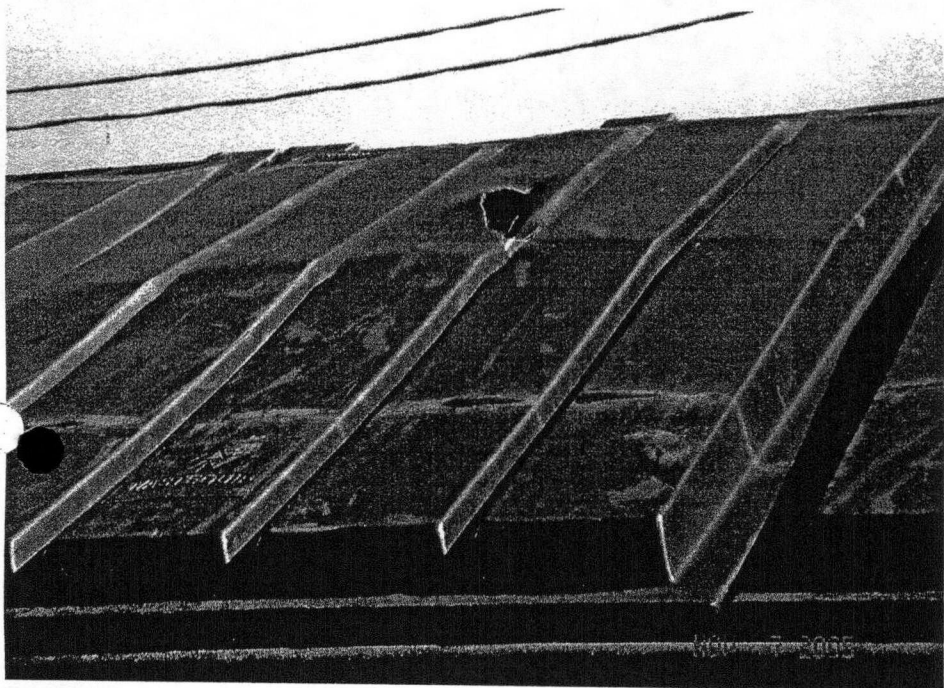
Al Gephart



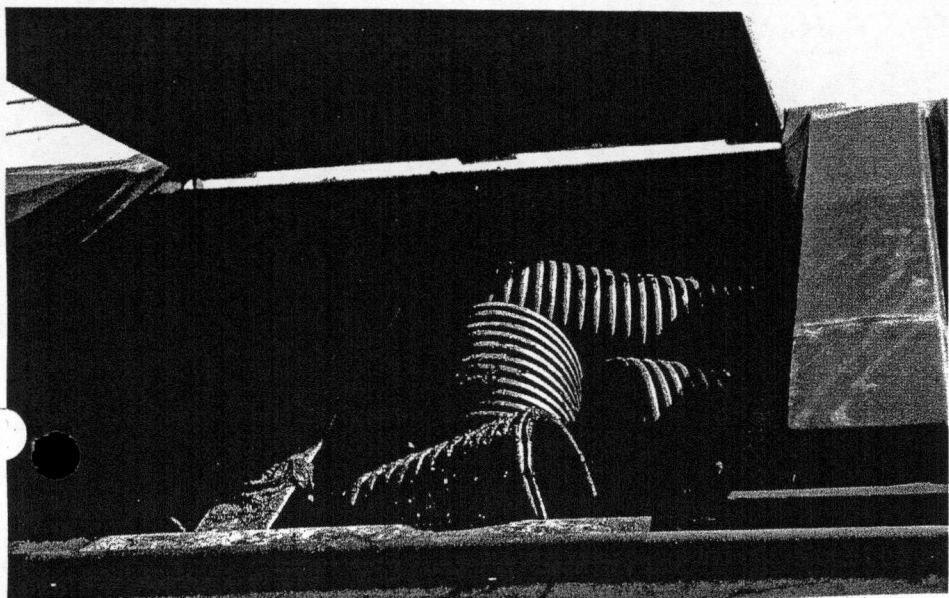
6-1-06 HOWCO

SLAB IN CONTAINER & PROCESSED SOLIDS STORAGE AREA.
FRESHLY SEALED CONTAINMENT AREA IS NOT HOLDING UP
TO THE MOVEMENT OF ROLL-OFF BOXES.

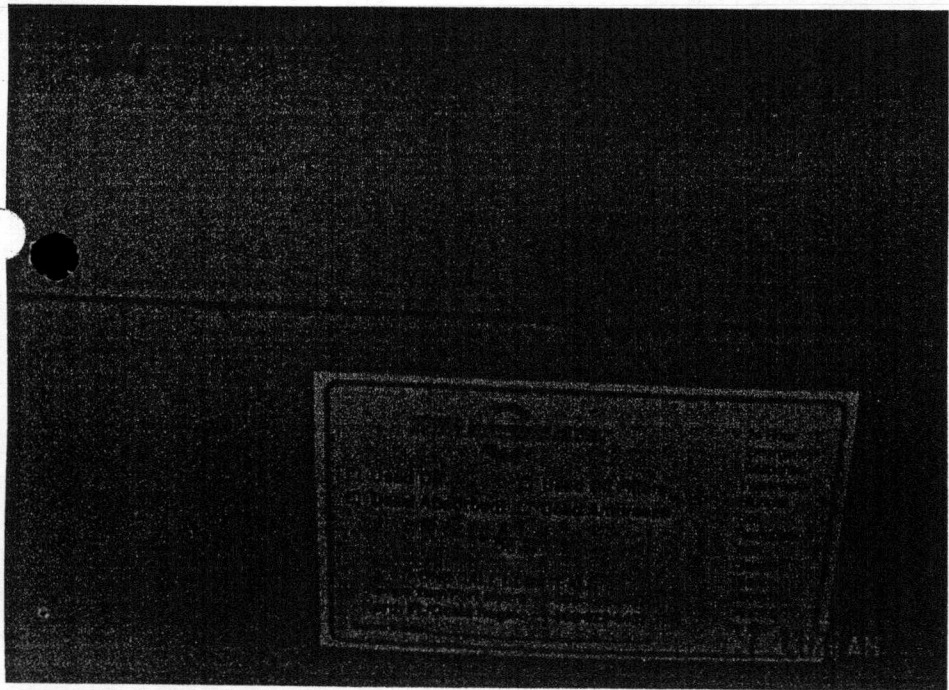
Ad. Gephart



HOWCO (FLD 152 764 767); November 7, 2005 - Photos by Kelly Honey, ES II, and Bret Galbraith, ES I



NOV 7 2005



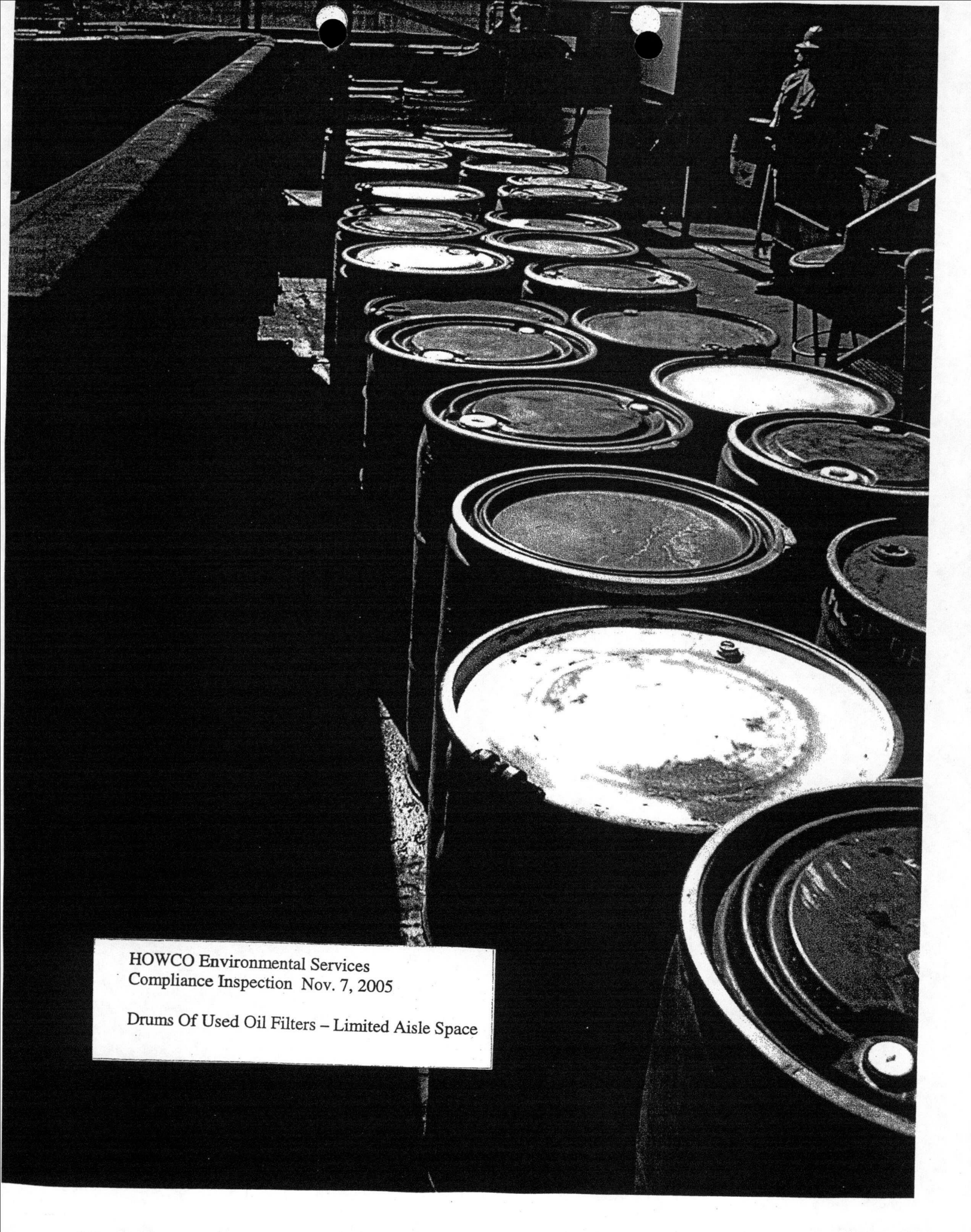


NOV 7 2005



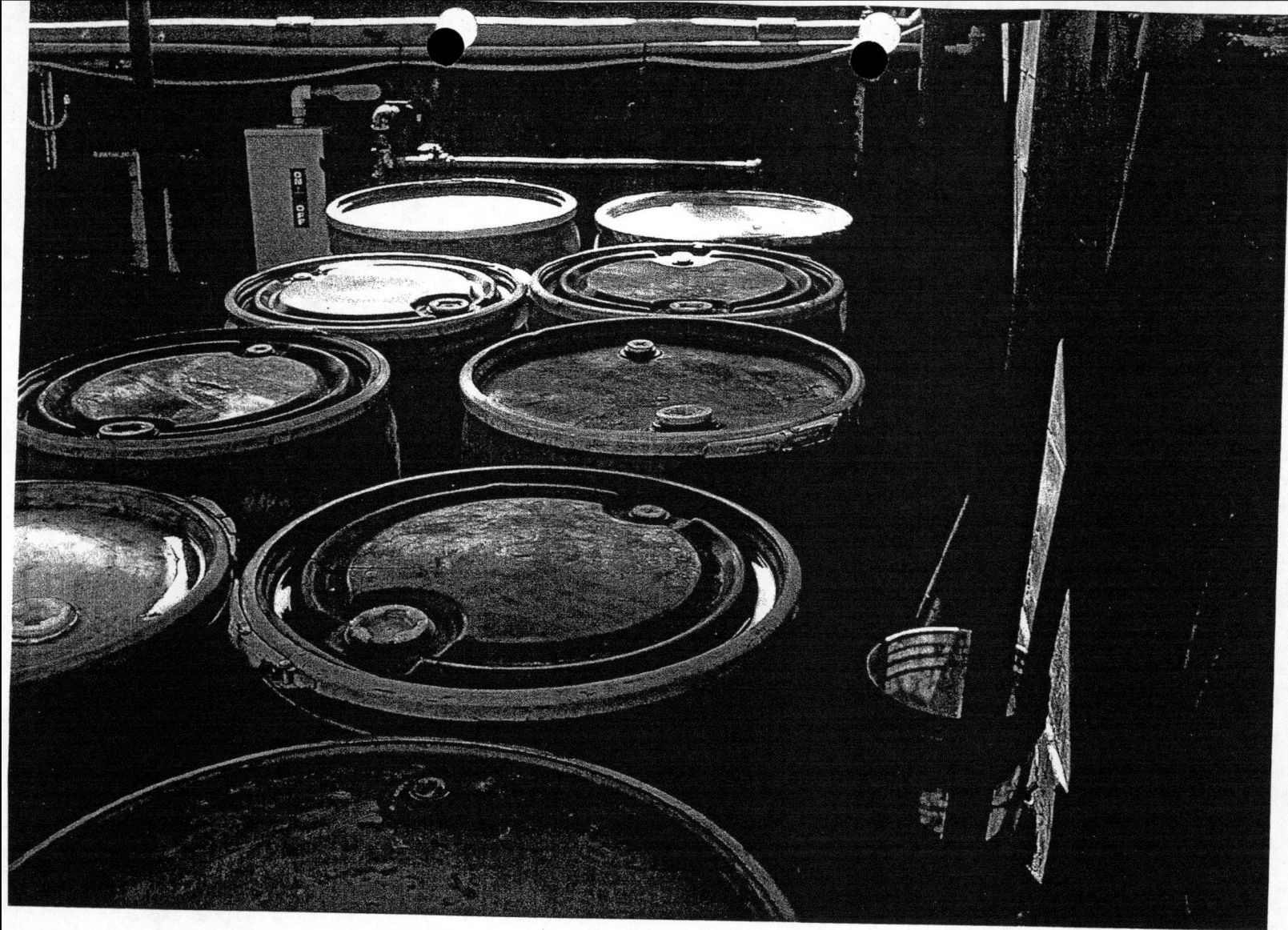
HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Drums Of Used Oil Filters



HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Drums Of Used Oil Filters – Limited Aisle Space



HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Drums Of Used Oil Filters – No Aisle Space

USED OIL FILTERS FOR RECYCLING

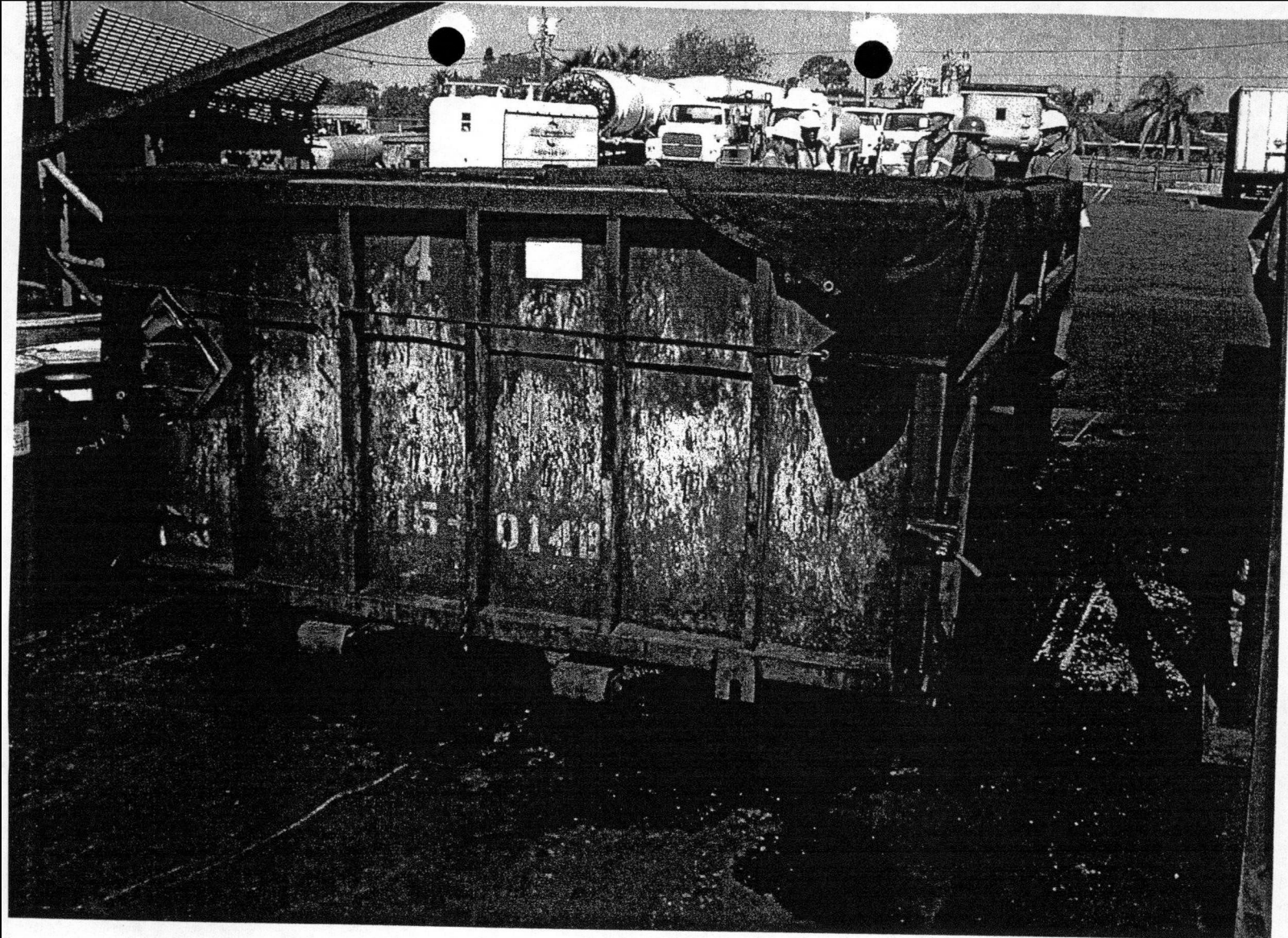
FOR DISPOSAL OR EMERGENCY RESPONSE
CONTACT: **USFilter** RECOVERY SERVICES

In North Florida 1/800-366-5706

In Central Florida 1/800-282-9585

In South Florida 1/800-235-0189

NOV 7 2005



HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Roll-Off Box of Used Oil Filters. Box is leaking.
Box is covered with a mesh material – contents
not protected from the weather.



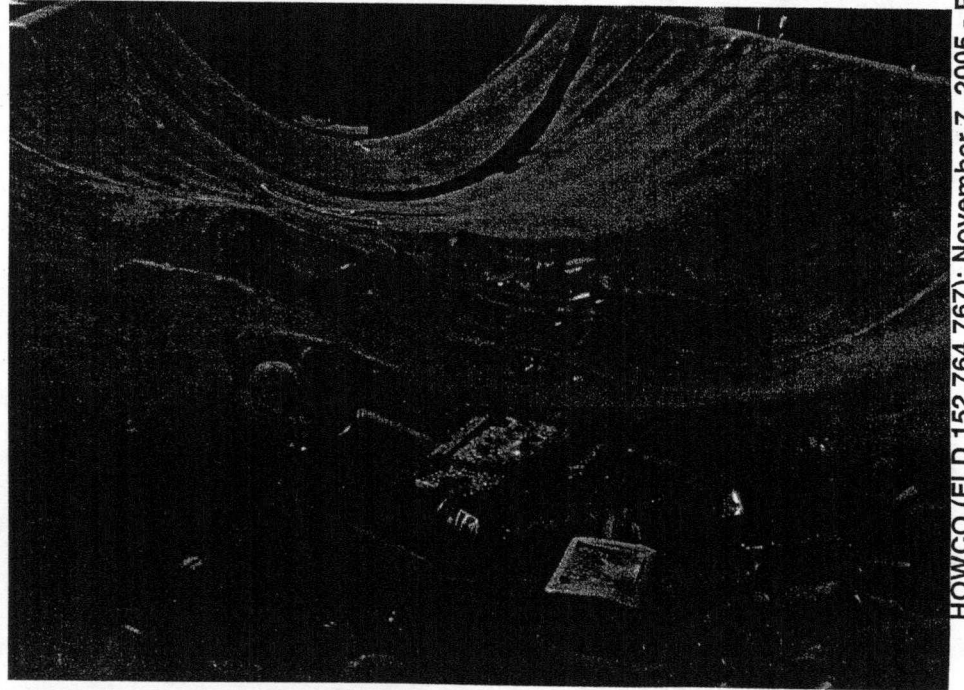
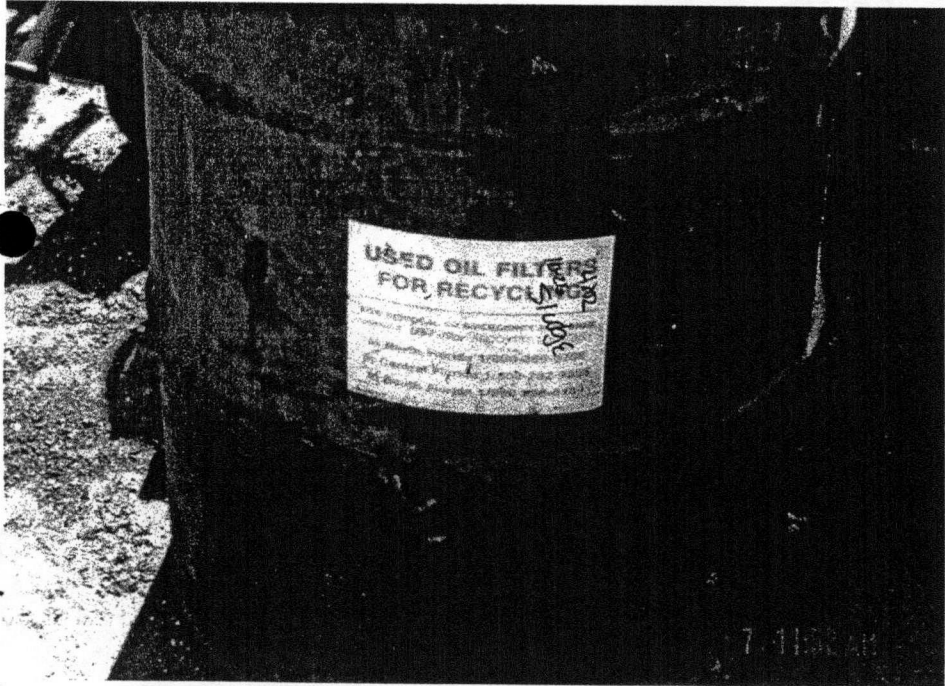
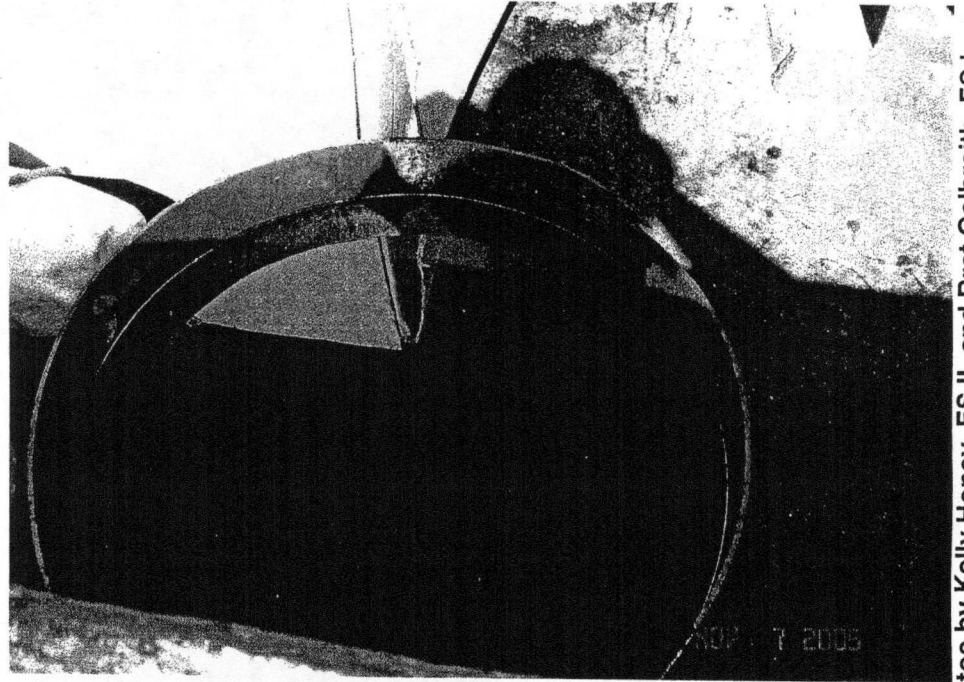
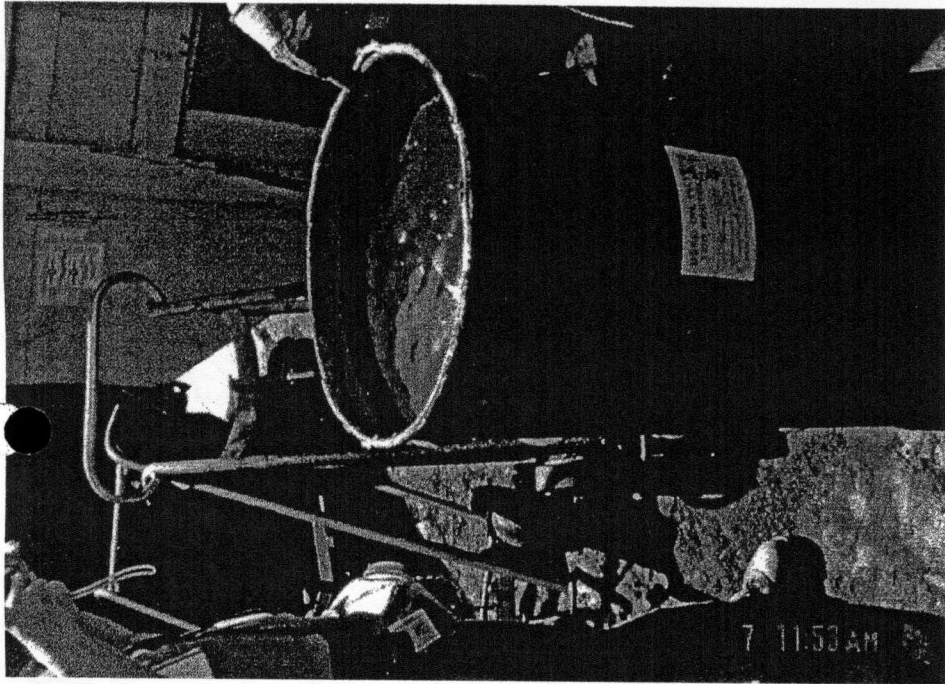
6-1-06 HOWCO SITE VISIT,
USED OIL FILTER STORAGE AREA.
FOUR CONTAINERS OF USED OIL FILTERS
NOT SEALED OR PROTECTED FROM THE
WEATHER AS REQUIRED. (#1 OF 2 PHOTOS).

Al Bryant

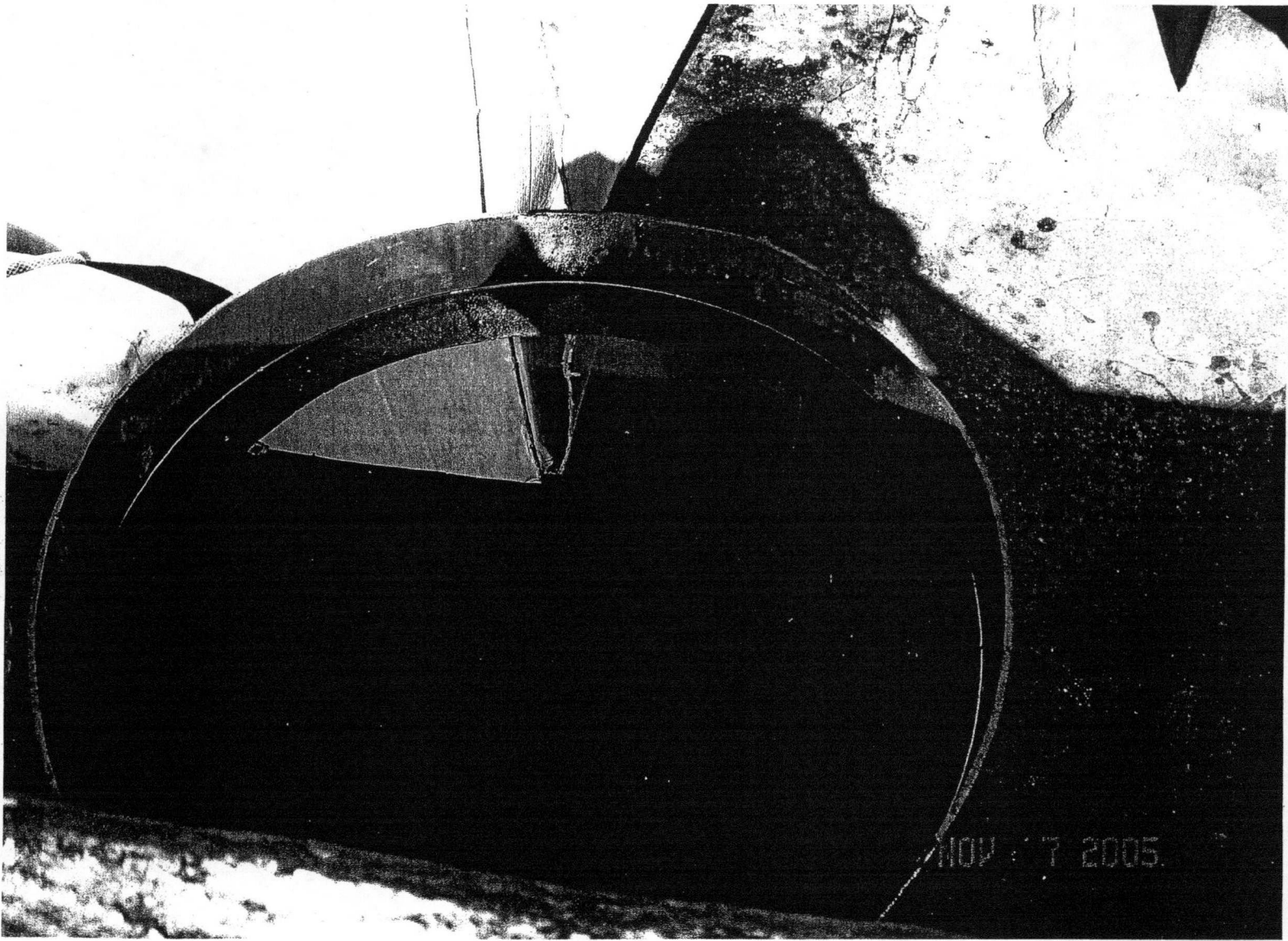


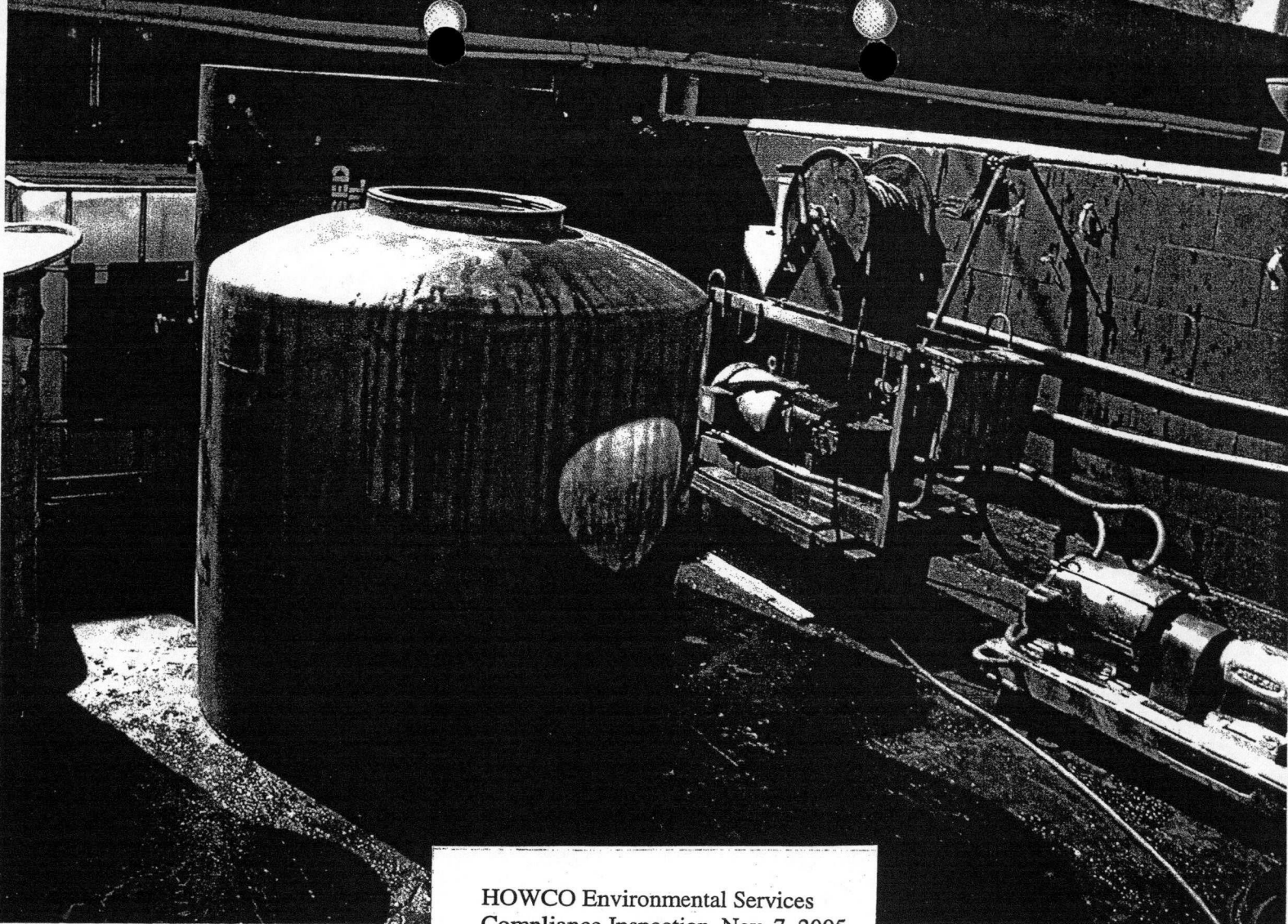
6-1-06 HOWCO SITE VISIT
USED OIL FILTER STORAGE AREA,
FOUR CONTAINERS OF USED OIL FILTERS
NOT SEALED OR PROTECTED FROM THE
WEATHER AS REQUIRED, (#2 OF 2 PHOTOS)

Ad byhart



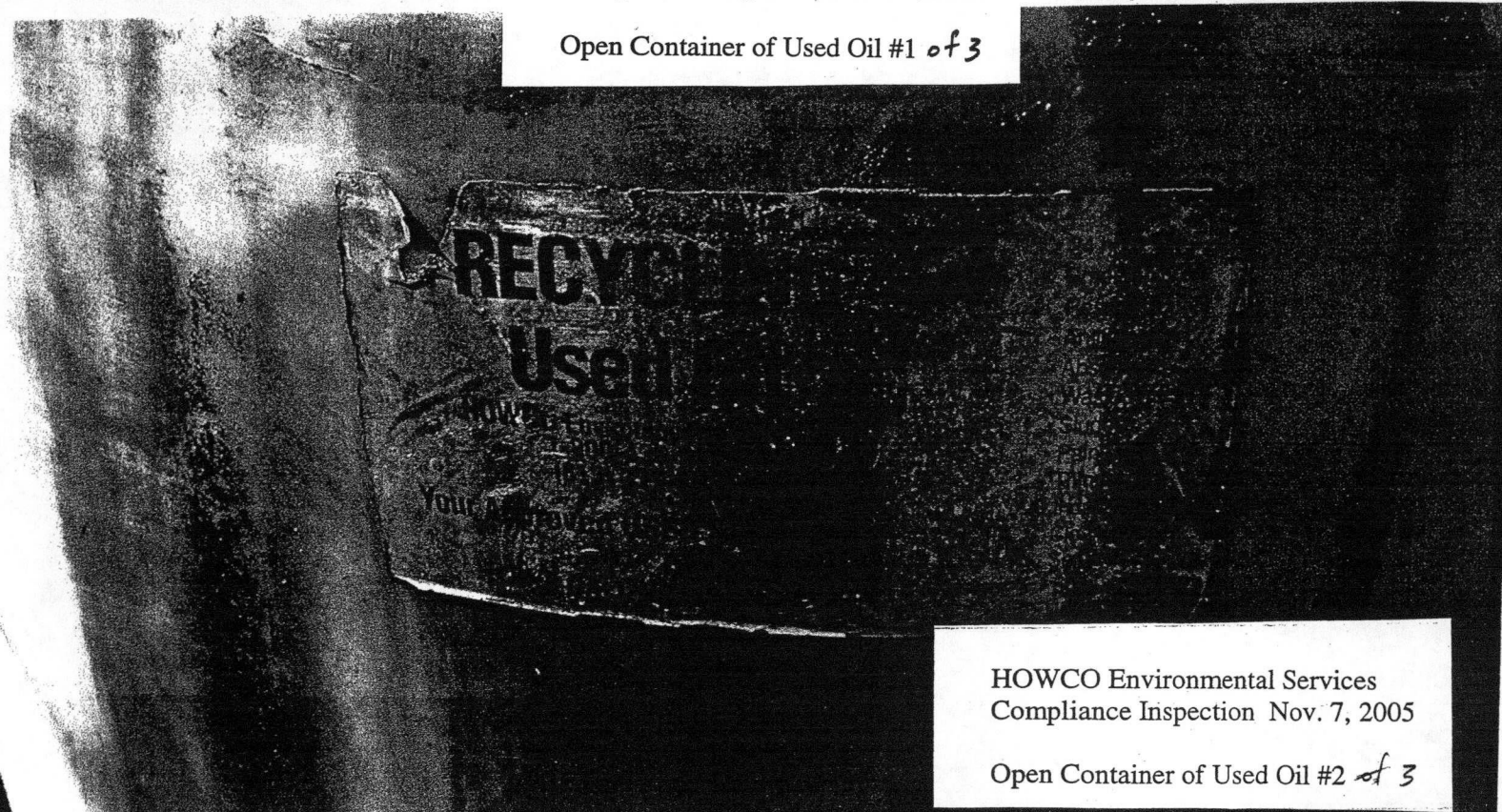
HOWCO (FLD 152 764 767); November 7, 2005 - Photos by Kelly Honey, ES II, and Bret Galbraith, ES I





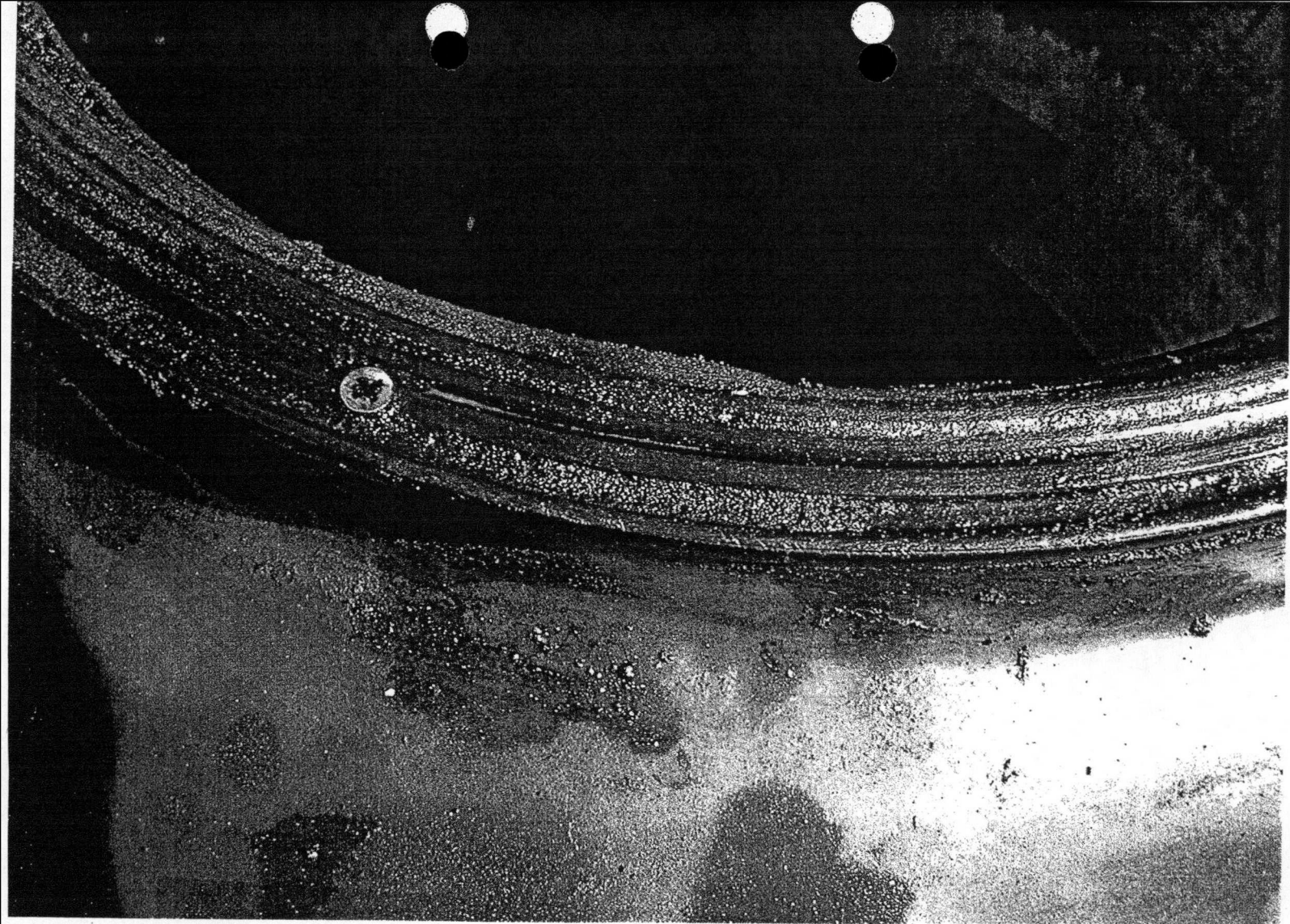
HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Open Container of Used Oil #1 of 3



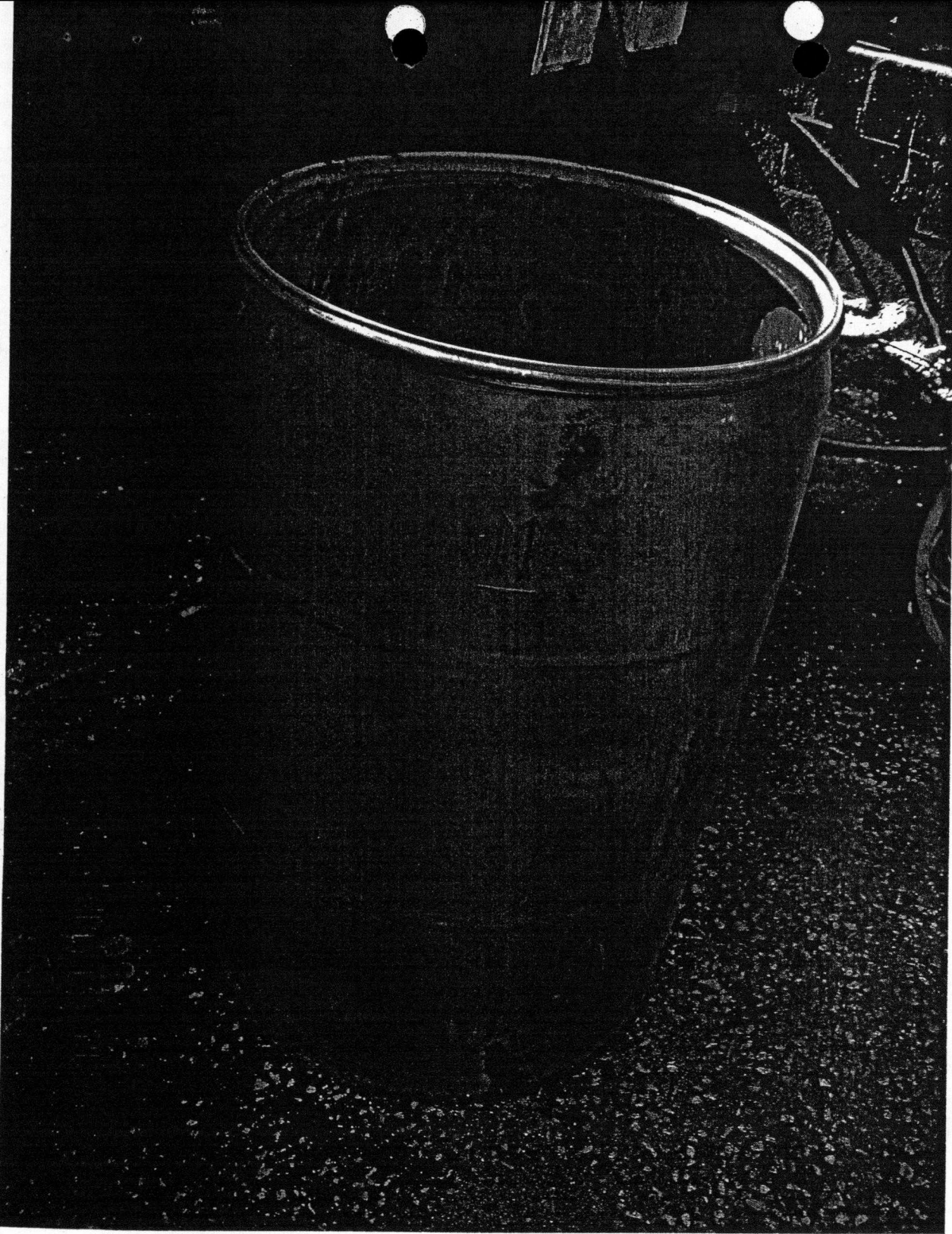
HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

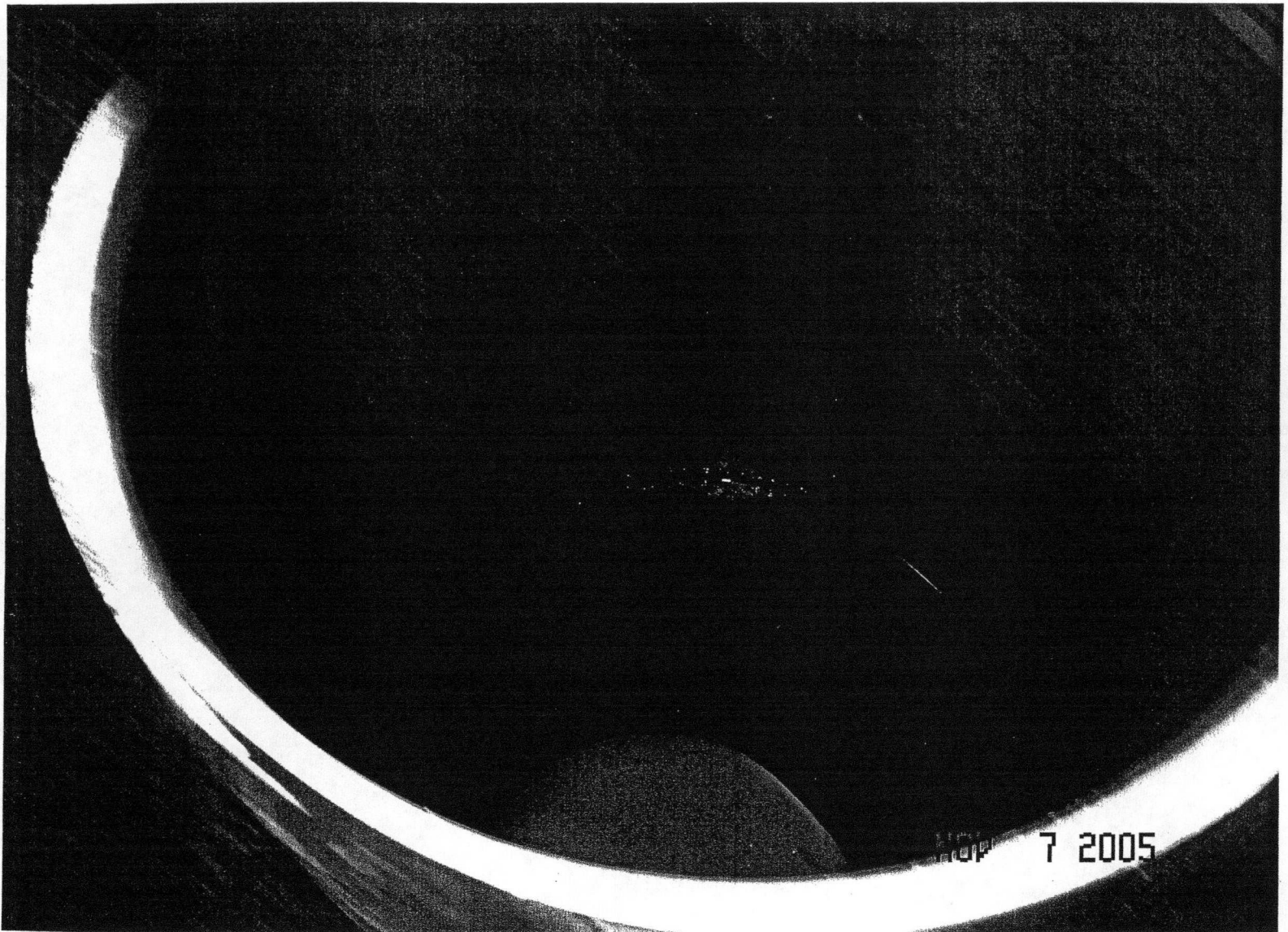
Open Container of Used Oil #2 of 3



HOWCO Environmental Services
Compliance Inspection Nov. 7, 2005

Open Container of Used Oil #3 of 3

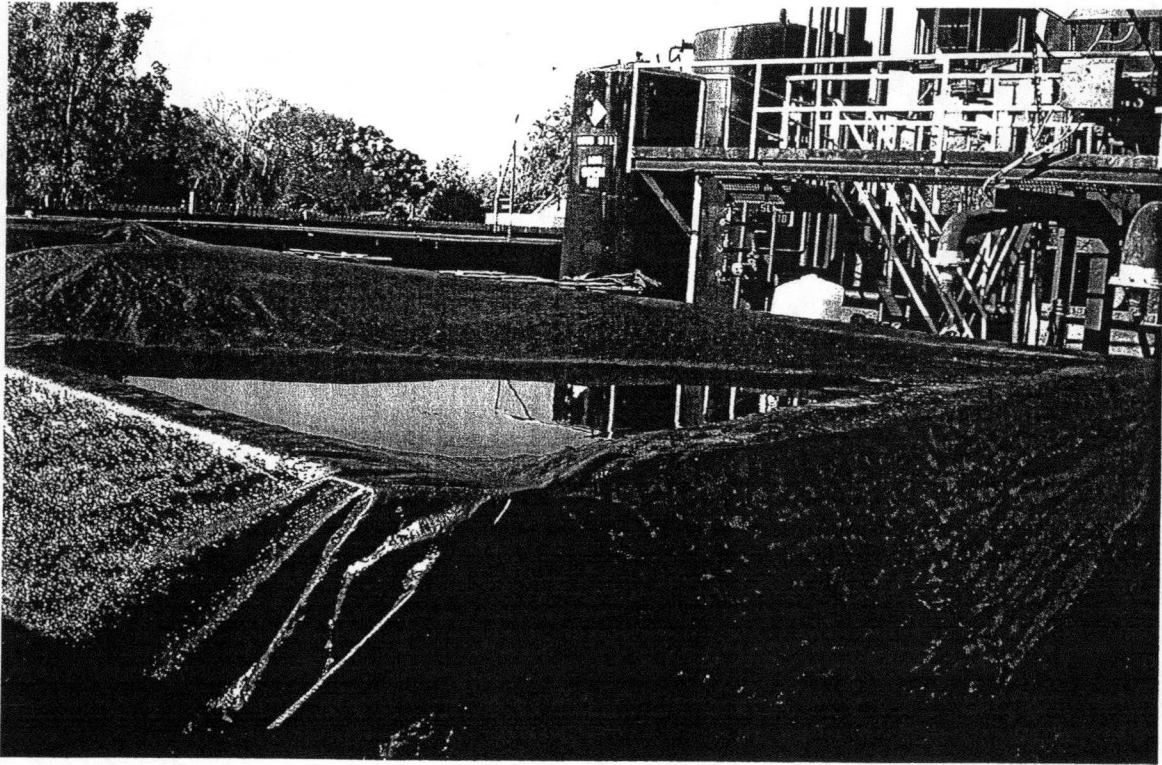




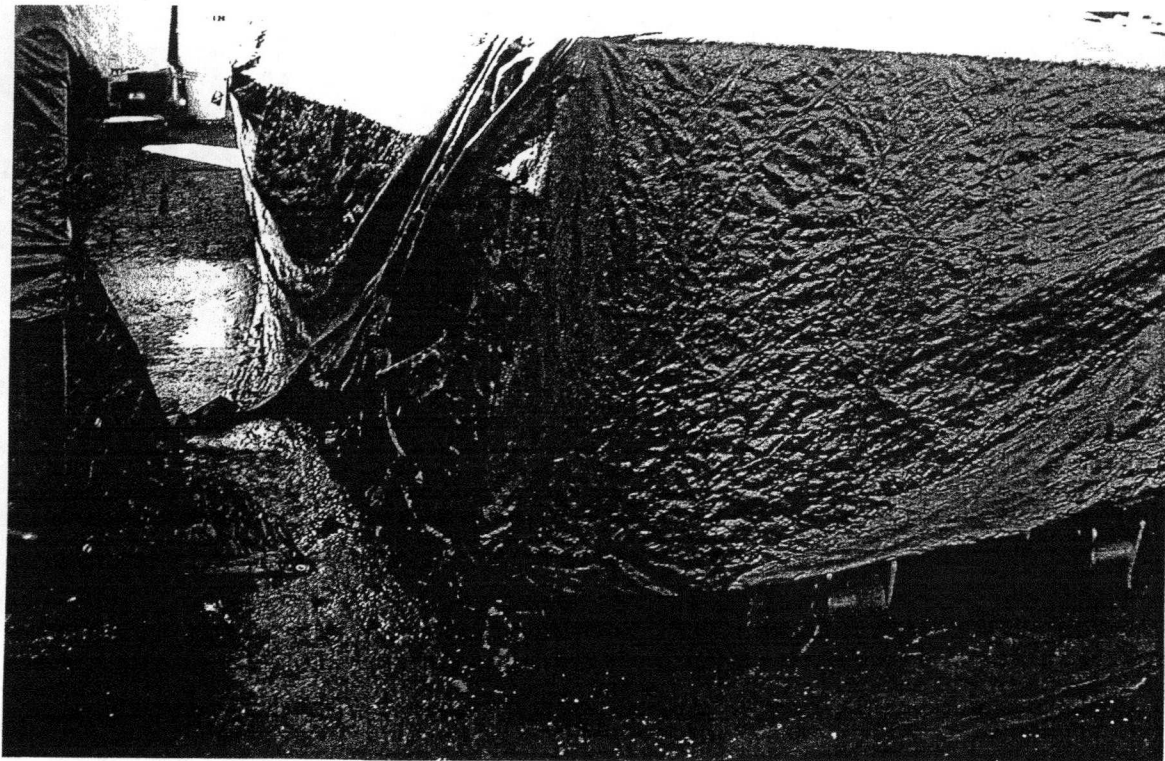


HOL - O ENV SERVICES
SOLID WASTE PROCESSING AREA
2-16-06

①



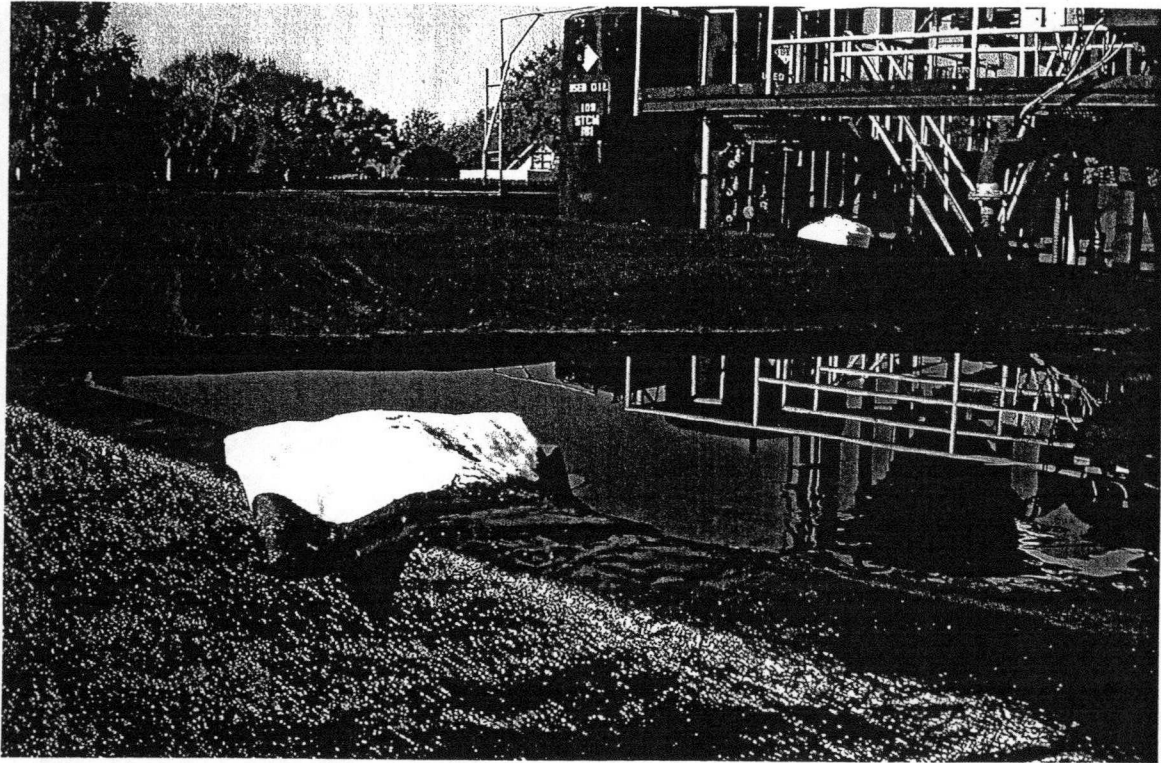
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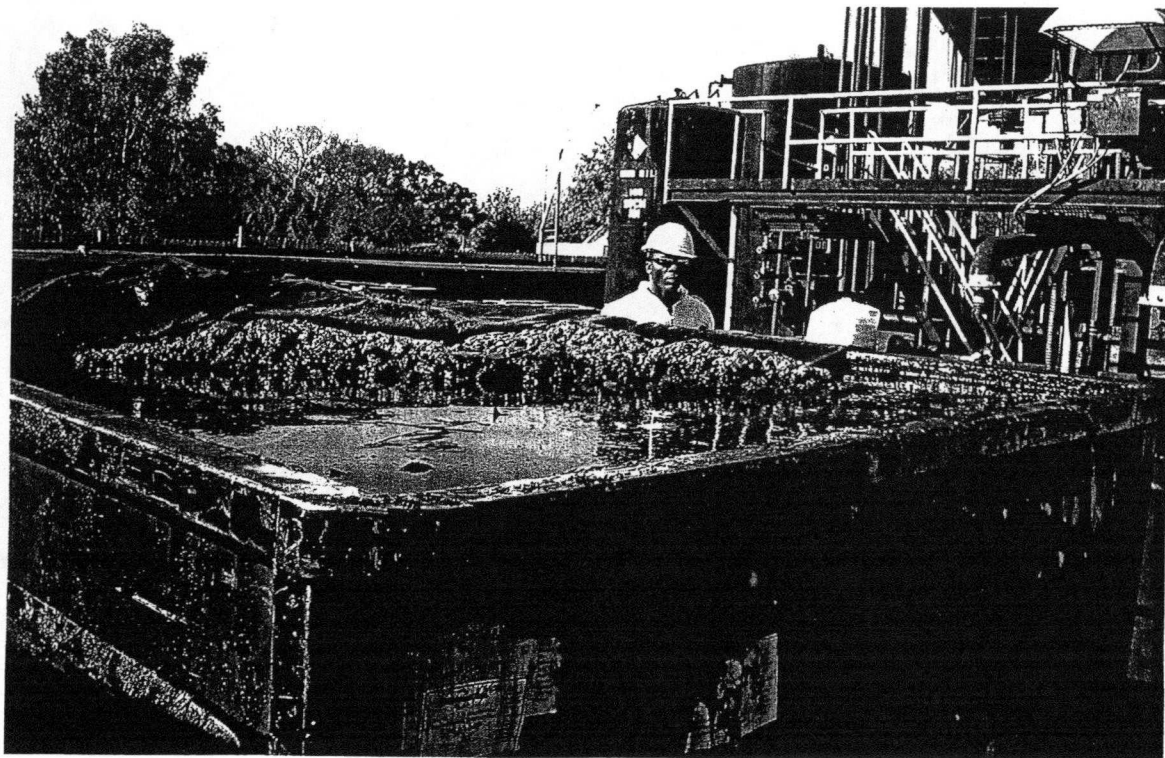
THE ECO ENVIRONMENTAL SERVICES
SOLID WASTE PROCESSING AREA
2-16-06

APC

3



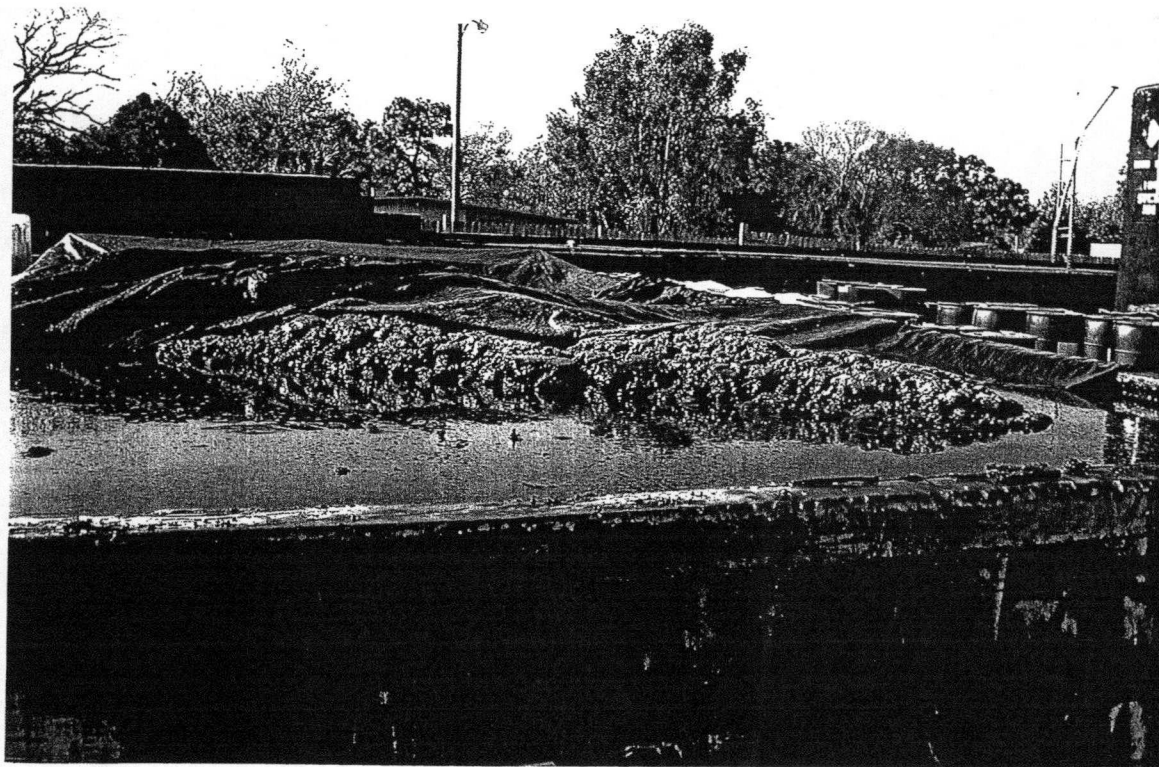
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PAWCO ENV. SERVICE
SOL WASTE PROCESSING REA
2-16-06

APL

5



6



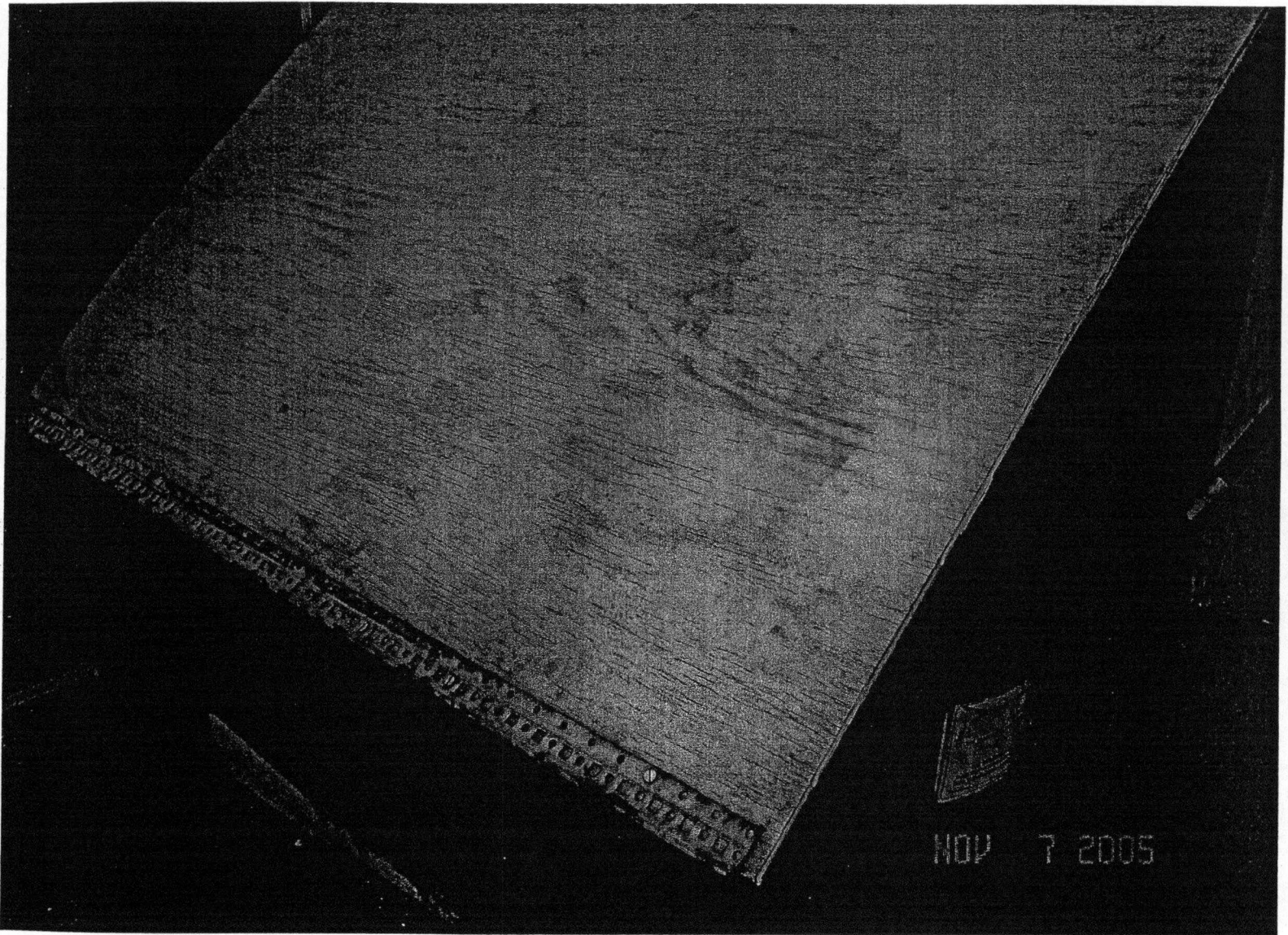


6-1-06

HOWCO

ROLL-OFF BOX OF PROCESSED SOLIDS IN STORAGE.
NOT PROPERLY LABELED "PROCESSED SOLIDS"

Ad. Veyant





Inspector

Gephart / Honey / Nichols

Date:

November 7, 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	Being Reviewed
Expires	08/03/05	

Last Inspection 1/27/05Used 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 ? Y N ✓
- GC.12 A copy of the operating permit is maintained at the facility. (CENTRAL AVE OFFICE) ✓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 by March 1. (2/28/05) ✓Y N
- The facility has submitted its annual Closure Cost Update by March 1. ✓Y N
FDEP APPROVED ON 5/9/05
- 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

ONE WAS "REBUTTED"

Part II. Used Oil Processing

- II.3 Only permitted waste streams are processed at the facility. Y N ?
SOME QUESTION ON SOME WASTE STREAMS. NEEDS FURTHER INVESTIGATION AND FUTURE MONITORING
- II.4 Generators supply initial TCLP analysis (or generator knowledge statement) of waste antifreeze. (Check facility files for certifications.) ✓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". ** FACILITY AND DEP NEED TO DETERMINE PROPER LABELING FOR TANKS #140-144, 105, 106, AND 180. THESE WERE FRESHLY PAINTED, WERE NOT LABELED YET.* ☒ 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 ←
- 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. *NO PRECIPITATION OBSERVED* ☐ Y ☐ N

Part IV. Solid Waste Processing

Household hazardous wastes or wastes from a CESQG are NOT managed as solid waste at the facility. ☒ Y ☐ N

- IV.3 Processing equipment is repaired within one week of becoming inoperable. *EQUIPMENT WAS OPERABLE AT TIME OF INSPECTION* ☒ Y ☐ N
- Operations **DO NOT** change the chemical characteristics of any of the solid materials. ☒ Y ☐ N

- IV.4 Each solid waste stream is sampled and analyzed at least annually. ☒ Y ☐ N
- Records are available of annual WWTS sampling and analyses. ☐ Y ☒ N *

- Records are available of annual oil-extracted sludge (OES) sampling and analyses. * SAMPLED ON 12/20/05. RESULTS WERE NOT AVAILABLE ON 1/5/06 SITE VISIT. ☐ Y ☒ N *
- Vibratory screen filter solids are containerized, properly sealed and labeled, "Screen Filter Residue". NOT MENTIONED BY SOLID WASTE INSPECTOR IN HIS REPORT ☐ Y ☐ 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.) ☒ Y ☐ N
- The facility has notified the Department within 3 days prior to sampling any solid waste streams. ☒ Y ☐ N
- The facility has records of hazardous waste determinations from each generator for all solid waste streams received. ☒ Y ☐ N
The determinations are updated ~~annually~~. EVERY 3 YRS ☒ Y ☐ N
- IV.5 All outgoing materials for disposal are sampled and analyzed annually. ☒ Y ☒ N
- IV.6 Storage of solid waste is at or below 22,000 gallons.
Where 15 yd³ = 3,030 gallons
20 yd³ = 4,040 gallons ☐ Y ☒ N
- Processed solids are stored in covered, lined, roll-off containers or covered drums and stored on an impervious surface. ☐ Y ☒ N
- IV.7 All processed and unprocessed solid wastes are stored within the Solids Storage and Sludge Separation Areas. ☒ Y ☐ N
All materials are processed on impervious surfaces, tanks or containers. ☐ Y ☒ N ←
Surface has deteriorated / cracks
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. ☐ Y ☐ N ←
correct there was none observed
- Solid wastes (liquids, sludges, solids, etc.) are only managed within containers, NOT on the ground, on the asphalt or on the concrete areas. ☒ Y ☐ N
* SPILLAGE ONTO ASPHALT WHEN MIXING SOLIDS
- 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.

V.3,4 Emergency and safety equipment is available, tested and maintained. __Y ☒N ←
*LOW SPEAKER COMMUNICATION SYSTEM WAS DOWN FOR 6 MONTHS
NOW RELYING ON ONE "BULLHORN"*

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

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.

** From observations made, training is inadequate.*

☒ 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 2/25/05
- Used Oil Filter Processor

☒ Y ☐ N
☒ Y ☐ N

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

☒ Y ☐ N

The facility has submitted its annual report by March 1. 2/28/05

☒ Y ☐ N

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

- Above ground containers on impermeable surfaces; no
- Sealed containers that are in good condition;
- Containers labeled, "Used Oil Filters".

☒ Y ☒ N
☒ Y ☒ N
☐ Y ☒ N

no
Upon detection of any leaking oil from a container the oil is contained, cleaned-up and managed properly. yes

☒ Y ☒ N

** not immediately*

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)]. <i>2/28/05</i> <i>AND used oil filter 2/25/05</i>	<input checked="" type="checkbox"/> Annual Used Oil Recovery Report. <i>2-28-05</i>
<input checked="" type="checkbox"/> Annual DEP Registration Placard For Storage Tanks. <i>2/25/05</i>	<input checked="" type="checkbox"/> Contingency Plan. <i>7-21-99</i>
<input checked="" type="checkbox"/> Training Logs.	<input checked="" type="checkbox"/> Closure Plan.
<input type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Disposed</i> . <i>RICHARD DID NOT HAVE.</i>	<input checked="" type="checkbox"/> Annual Closure Cost Update <i>FDEP APPROVED ON 5/9/05</i>
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Received</i> From Generators. <i>EVERY 3 YRS OR WHEN PROCESS CHANGES</i>	<input checked="" type="checkbox"/> Transporter Liability Insurance [\$100,000 minimum]. <i>EXPIRED 7/2/05</i> <i>FACILITY PROVIDED A CURRENT POLICY THAT EXPIRES 7-2-06</i>
<input checked="" type="checkbox"/> Processed Oil Sampling Logs [Minimum Of One Sample Every Two Weeks]. <i>NO.</i>	<input checked="" type="checkbox"/> Monthly Inspection Logs Of The Solids Storage and Sludge Separation Areas.
<input checked="" type="checkbox"/> Tank Inspections and Monthly Release Detection Monitoring.	<input checked="" type="checkbox"/> Annual Analyses Of WWT and OES Sludges. <i>BOTH SAMPLED 12/20/05</i> <i>* need Analyses</i>
<input type="checkbox"/> Analysis Of Vibrascreen Filter Solids and Tank Bottom Sludges <i>NONE, SAMPLED #110</i> [Unless Processed In Tanks 110 or 111].	<input type="checkbox"/> Generator Non-Haz Demonstration For Used Antifreeze. <i>ALL ANTIFREEZE RECYCLED</i>
<input type="checkbox"/> Documentation Of Annual Closure Cost Estimate [Solid Waste Processing].	<input checked="" type="checkbox"/> Records Of Refused Used Oil Shipments <i>NONE REJECTED</i>
<input type="checkbox"/> Records Of Quantities Of Waste Received, Stored, Processed and Disposed.	<input checked="" type="checkbox"/> Documentation Of Annual Financial Assurance [Solid Waste Processing] DEP Approved 5/9/05 Next Submittal by 3/1/06
<input type="checkbox"/> Records Of Disposal Or Treatment Facility For All Solid Wastes Removed [Name and Location].	<input type="checkbox"/> Quarterly Submittals Of Material Balance Of Quantities Of Solid Waste.
<input type="checkbox"/> Copies Of Permits For Facilities Receiving Processed Wastes.	<input checked="" type="checkbox"/> Monthly Solid Waste Inspection / Corrective Actions Logs.
<input checked="" type="checkbox"/> Monthly Inspection Logs Of Safety and Emergency Equipment. <i>DEFICIENT IN COMMUNICATION SYSTEM</i>	<input type="checkbox"/> Manifests / Bill-Of-Lading. CHECK to see if CESQG status