

CHRONOLOGICAL ENTRY FORM FOR FOLDERS

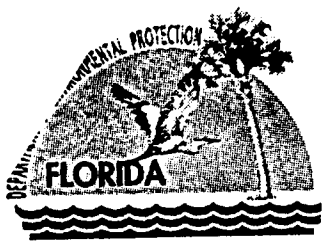
Howco Environmental Services:

FLD 152 764 767 HO52-308139:

Permit Correspondence Page 1 Vol (3-c)

NO	DATED	RECVD	TO	FROM	REFERENCE
1/99	7-6-99	7-6-99	S. Tam	L. Lockett	Fax transmittal - Request for meeting to discuss 6 th NOD
2/99	7-12-99	7-12-99	S. Tam	L. Lockett	Fax transmittal - Request for additional 30 day extension
3/99	7-21-99		File	-	Meeting attendees - Discussion of 6 th NOD
4/99	7-20-99	7-21-99	R. Evans	T. Rudolph	Response to letter of June 10, 1999 (6 th NOD)
5/99	7-22-99	7-23-99	S. Tam	L. Lockett	"Redline" copy of revised sections to the application
6/99	7-30-99		T. Hagan	S. Tam	Response due 30 days after DEP submits comments to open issues
7/99	8-12-99	8-16-99	S. Tam	L. Lockett	Facility believes they have addressed all issues in the NOD
8/99	8-18-99		T. Rudolph	S. Tam	Comments on Howco's draft response to 6 th NOD
9/99	8-24-99	8-25-99	R. Strauss	T. Hagan	Testing results of all underground pipes
10/99	8-27-99		T. Hagan	S. Tam	Comments to unresolved antifreeze testing and on-spec sampling plan
11/99	9-24-99		T. Hagan	S. Tam	Submittal of Solid Waste Permitting issues
12/99		9-28-99	S. Tam	L. Lockett	Response to 9-24-99 letter. Howco will respond by 10-27-99
13/99	10-6-99		File	-	Teleconference - Discussion of Sampling & Analysis Plan
14/99	10-27-99	10-27-99	S. Tam	L. Lockett	Response to 6 th NOD and Supplemental
15/99	10-28-99	10-28-99	S. Tam	L. Lockett	Application fee for Solid Waste Permit, P.E. calculations & revised pages
16/99	11-1-99	11-2-99	S. Tam	L. Lockett	Recap on Sampling & Analysis Plan for on-spec oil determination
17/99	11-19-99		L. Lockett	C. McGuire	SWD analysis of Howco's 'Sampling & Analysis' data
18/99	11-29-99		T. Hagan	S. Pelz	Approval of cost estimate for Solid Waste processing
19/99	12-6-99		T. Hagan	S. Pelz	Documentation ^{establishing the} for financial assurance mechanism shall be submitted to Pinellas County
20/99	12-9-99	12-10-99	B. Kutash	L. Lockett	Howco willing to test full spectrum of Table 1 twice per month
21/99	12-22-99		T. Hagan	A. Gephart	Draft copy of proposed 'Used Oil and Material Processing Permit'
22/00	1-20-00	1-24-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMIT" FORM
23/00	2-3-00	2-3-00	S. TAM	L. LOCKETT	Howco Submittal of "WAIVER OF TIME LIMIT" FORM - #2
24/00	2-7-00	2-7-00			FDOP / HOWCO MEETING - DOCUMENTATION OF ATTENDEES
25/00	2-9-00	2-10-00	B. KUTASH	L. LOCKETT	ADDRESSES GENERATOR WASTE DETERMINATION AND SUBMITTAL OF REVISED PAGES TO PERMIT APPLICATION.
26/00	2-11-00	2-11-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMIT" FORM - #3
27/00	2-24-00	2-24-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMIT" FORM - #4
28/00	1-18-00	1-18-00	S. TAM	T. HABAN	PROPOSED LANGUAGE FOR SAMPLING STUDY
29/00	3-2-00	3-3-00	B. KUTASH	L. LOCKETT	PROPOSED CHANGES TO DRAFT PERMIT
30/00	3-29-00	3-29-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMITS"
31/00	4-11-00	4-12-00	B. KUTASH	L. LOCKETT	REVISIONS TO PERMIT APPLICATION
32/00	4-12-00	4-12-00	B. KUTASH	L. LOCKETT	"BLACK LINE" VERSION OF REVISIONS TO PERMIT APPLICATION
33/00	4-14-00	4-14-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMITS"
34/00	4-28-00	4-28-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMITS"
35/00	5-23-00	5-23-00	S. TAM	T. HABAN	Howco Submittal of "WAIVER OF TIME LIMITS"
36/00	5-30-00	5-31-00	B. KUTASH	L. LOCKETT	Howco COMMENTS ON DRAFT PERMIT
37/00	5-8-00	---	T. HABAN	W. KUTASH	REVISED HOWCO DRAFT PERMIT
38/00	6-14-00	---	T. HABAN	D. GETZKE	INTENT TO ISSUE PERMIT
39/00	8-14-00	---	T. HABAN	D. GETZKE	ISSUED PERMIT
40/00	6-22-00	6-30-00	S. TAM	T. HABAN	REVISIONS TO PERMIT APPLICATION

**DO NOT ADD ANY ADDITIONAL
MATERIAL TO THIS FILE.**



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

August 4, 2000

NOTICE OF PERMIT

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

Re: *HOWCO Environmental Services FLD 152 764 767*
Operating Permit 92465-HO06-001
Used Oil and Material Processing Facility – Pinellas County

Dear Mr. Hagan:

Enclosed is permit number **92465-HO06-001** to operate a Used Oil and Material Processing Facility located at 843 43rd Street South, St. Petersburg, Pinellas County, Florida, issued pursuant to Section 403.769, Florida Statutes.

Any party to this permit has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000 and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice is filed with the Clerk of the Department.

Executed in Tampa, Florida.

Sincerely yours,

Deborah A. Getzoff
Director of District Management
Southwest District

DAG/afg

Attachment

cc: Satish Kastury, Administrator, FDEP-Tallahassee (w/Attachment)
William Davis, Pinellas County DEM (w/o Attachment)
Warren Smith, Pinellas County Solid Waste Operations (w/o Attachment)

"More Protection, Less Process"

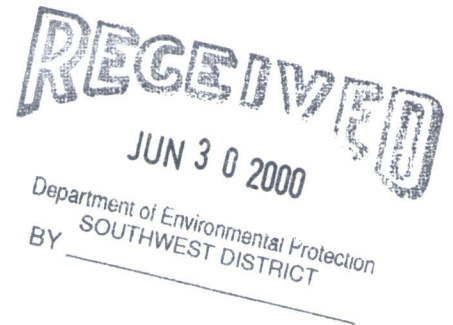
Printed on recycled paper.

FILE : 3-C
40/00



June 22, 2000

Stanley Tam
Professional Engineer II
Hazardous Waste Section
304 Coconut Palm Drive
Tampa, FL 33619




Re: HOWCO Environmental Services, FLD 152 764 767
Used Oil Processor Permit Application 92465-HO06-001 (f.k.a. HO52-308139)

Dear Mr. Tam:

As per our telephone conversation today, please find enclosed a revised copy of HOWCO's drawings D-4-1, D-4-2, D-6-1, D-8-1, D-8-2, 10-1, volume calculations for existing storage tanks, Table 3-2 and 3-3.

If you should have any questions or comments concerning the above, contact me at 727-327-8467 Ext. 226.

Sincerely yours,



Tim Hagan
President/CEO

TH/klg



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

June 14, 2000

CERTIFIED - RETURN RECEIPT

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

Attention: Mr. Tim Hagan, President

**Re: HOWCO Environmental Services, FLD 152 764 767
Operating Permit, 92465-HO06-001
Used Oil and Material Processing Facility - Pinellas County**

Dear Mr. Hagan:

In response to the May 30, 2000, letter sent in your behalf to Mr. Bill Kutash by Ms. Laurel Lockett, the Department has made the following additional comments and/or changes to the final draft operating permit dated May 1, 2000:

1. On page 2 of 31, the references to the drafts and supporting materials submitted to the Department will remain as written in the draft. These documents are a demonstration and record of the reasonable assurance used by the Department in finalizing both the permit application and the permit language;
2. As requested, the exception to the requirement for transporter identification numbers (62-710.600(1), FAC) has been added to Specific Condition II.7;
3. As requested, the reference to "fly ash" in Specific Condition IV.1(a)(14) "Stabilization Agents" has been deleted. The reference to "fly ash" in Specific Condition IV.1(a)(12) has been clarified by replacing the term "fly ash" with "fly ash from coal-fired industrial boilers". Other sources of fly ash or other absorbent materials purchased specifically for solidification purposes may be added to the list of solidification agents if written notice is provided to the Department;
4. As requested, the phrase "toxic contaminant Regulatory Levels" in Specific Condition IV.4(d) has been changed to "TCLP levels";
5. In response to your concerns about the requirement for an independent laboratory to be "certified in the State of Florida", on pages 11, 12, 13 and 22 the text has been changed to clarify that the independent laboratory must have a CompQAP approved by FDEP for those methods.

Having addressed the issues related to the final draft, the Department is proceeding with the Intent to Issue. Pursuant to Sections 403.704 and 403.769, Florida Statutes (F.S.), and Chapters 62-4, 62-701 and 62-710, Florida Administrative Code, (F.A.C.), the Department requires you to publish, at your expense, this Notice of Proposed Agency Action. Attached is the Intent to Issue language for the newspaper publication and the proposed draft operation permit.

"More Protection, Less Process"

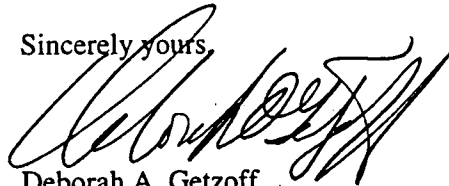
Printed on recycled paper.

File: 3-c
38/00

Pursuant to Section 403.815 F.S., the notice must be published one time only in the legal ad section of a major local newspaper of general circulation in Pinellas County, within fourteen (14) days of receipt of this letter. Proof of publication must be provided to the Department within seven (7) days of publication of the notice.

Failure to publish this notice and provide proof of publication within the allotted time may result in denial of the operation permit without any further notice of hearing.

Sincerely yours,



Deborah A. Getzoff
Director of District Management
Southwest District

Attachments

cc: Narindar Kumar, EPA Region IV (w/Attachments)
Satish Kastury, FDEP/Tallahassee (w/Attachments)
William Davis, Pinellas County DEM (w/o attachments)
Warren Smith, Pinellas County Solid Waste Operations (w/o attachments)

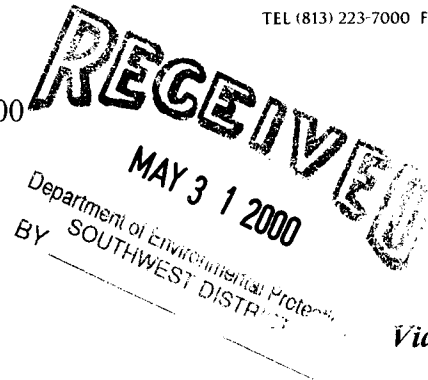
CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS:
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133

May 30, 2000



Via Telecopy

Mr. Bill Kutash
Administrator, Waste Management
Florida Dept. of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

Re: Howco/Used Oil Permit/Final Draft Comments

Dear Bill:

We have reviewed the revised draft permit and have only a few comments and questions:

1. On page 3, 4th paragraph, we understand the Department's concern regarding incorporation of references to the appropriate permittee application materials in the permit. We have previously noted that following various meetings and discussions with the Department, the proposed operations at the facility and the supporting application were completely revised and resubmitted on October 27, 1999. We believe that references in the permit to the drafts and supporting materials submitted prior to the October 27, 1999 draft are inappropriate and potentially confusing.
2. On page 15, numbered paragraph 7, please add the following phrase at the end of the paragraph: "; except as set forth in Rule 62-710.600(1), F.A.C" (which references exceptions to the requirement for transporter identification numbers).
3. On page 22, definition (14): "fly ash" appears in both the definition of "stabilization agent" (which Howco is not permitted to use) and "solidification agent" (definition (12)) which Howco is permitted to use. Since this is contradictory on its face, should the reference to "fly ash" be deleted from definition (14)?
4. On page 28, subparagraph (d), last sentence: The phrase "toxic contaminant Regulatory Levels" should be changed to "TCLP levels".

Mr. Bill Kutash
May 30, 2000
Page 2

5. With respect to Table 4-1 of the permit application (referencing approved methods for analysis of various constituents in the finished product), the Company's laboratory director has been unable to locate certified Florida laboratories that can perform the listed methods (EPA 9075, EPA 9077). As you know, 40 CFR 279 specifies testing for "total halogens" for "on spec oil" and references SW-846 for various methods (from which these two methods were obtained). Apparently, most Florida labs do not have the capability to test for "total halogens" rather they test for "total non-organic halogens." We have been in touch with HRS to determine what labs are, in fact, certified for the referenced methods. The Company (as well as at least one other UO processor in Florida) have been using a lab in Texas that has a Florida approved CompQAP to perform the test, but is not a certified Florida lab. Since we are testing a "product" as opposed to performing a "waste determination" does the lab need to be a certified Florida lab? I note that Florida's QA rule does not appear impose this requirement.

Please call me at your convenience to discuss these remaining issues. My direct dial is 229-4139.

Yours sincerely,



Laurel Lockett

LL:bl

cc: Mr. Tim Hagan
Mr. Tim Rudolph



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

May 8, 2000

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

Re: HOWCO Environmental Services
FLD 152 764 767
92465-HO06-001

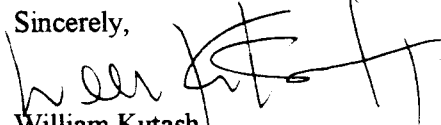
Dear Mr. Hagan:

The Florida Department of Environmental Protection (FDEP) acknowledges receipt of your response to the draft permit for your facility, dated March 2, 2000. Enclosed is a revised draft permit that incorporates many of the requested changes and clarification included in your March 2 submittal. The only areas where the Department retained its language or clarified its intent are the secondary containment and site closure sections of the permit. The Department continues to believe that as long as the facility remains out of compliance with the secondary containment requirements, the Consent Order reference is needed to be able to issue the permit. We could amend the permit language in the future by deleting the paragraph containing the CO reference, once the site returns to compliance with the rules. Our language addition for the closure section attempts to clarify the issues by including the specific language of the law that applies to this issue. I hope that this draft will be found to be appropriate so that we can issue an Intent to Issue within a few weeks.

Please provide any final comments on the proposed draft permit by May 26, 2000 or let us know that we can proceed with the Intent as soon as possible.

If you have any questions concerning this matter, please contact Stanley Tam of this office at the letterhead address or call (813) 744-6100, extension 390.

Sincerely,


William Kutash
Administrator
Division of Waste Management

WK/sct

Enclosure

cc: Laurel Lockett, Carlton Fields
Tim Rudolph, Environeering, Inc.
Chris McGuire, OGC



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

PERMITTEE:

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

Attention:

Mr. Tim Hagan
President

PERMIT/CERTIFICATION:

I.D. Number: FLD 152 764 767
Permit No: 92465-HO06-001
County: Pinellas
Issue Date: **DRAFT**
Expiration Date: **DRAFT**
Latitude / Longitude:
27°54'0"N / 82°38'11"W
Section / Township / Range:
10 1/2 / 31 S / 22 E
Project: **Operation of a Used
Oil and Material Processing Facility.**

This permit is issued under the provisions of Chapter 403.75 through 403.769, Florida Statutes (FS), and Rules 62-701, 62-710 and 62-4, Florida Administrative Code (FAC). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the Department and made a part hereof and specifically described as follows:

To operate a Used Oil and Material Processing Facility located at 843 43rd Street South, St. Petersburg, Pinellas County, Florida. A diagram of the site layout is included as **Attachment A**.

Used Oil Activities

The facility is authorized to process used oil, non-hazardous used antifreeze contaminated with used oil, and used oil filters under this section of the permit. The facility is also authorized to manage sludges, residues, used oil filters and by-products from filters, tank bottoms and/or storage tanks which are produced by this used oil processing facility and other oily wastes generally described in Specific Condition IV.1.b and in the Permit Application as incorporated below. Management and processing of used oil and oily wastes are covered by the permit conditions set forth in Part II.

The facility has 51 Aboveground Storage Tanks that may be used to store or process used oil, petroleum contact water, oily wastewater and other non-hazardous wastewaters. These tanks are shown in **Attachment A** of the permit.

HOWCO Environmental Services
FLD 152 764 767
92465-HO06-001

PROJECT: Operation of a Used Oil and Material
Process Facility

Material Processing Activities

To operate a materials consolidation and processing facility referred to as the HOWCO Materials Processing Facility. The facility materials processing areas are designated as the Solids Storage and Sludge Separation Areas shown in **Attachment B**.

The materials processing facility is authorized to consolidate and process non-hazardous petroleum-contaminated solid wastes and other solid wastes not constituting "used oil" subject to the ~~specific and general~~permit conditions set forth in Part IV.

Other Activities

The facility also manages petroleum contact water (PCW), various virgin petroleum products and materials used in the facility's operation and process, industrial wastewater and rain water which is pretreated in their wastewater treatment process (which consists of flow equalization, gravity separation, chemical treatment, flocculation, coagulation, oxidation, filtration and air stripping) prior to discharge to the St. Petersburg sewer system (performed pursuant to a permit issued by the City of St. Petersburg) and drum recycling.

The permit application and related attachments first submitted on June 19, 1997 and all subsequent submittals and revisions thereafter were utilized in the preparation of this document and are considered a part thereof.

This permit replaces the general permit No. S052-279950

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, FS. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), FS, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project that are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by any order from the Department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the

operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the Department with the following information:
 - a. a description of and cause of non-compliance; and
 - b. the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in 62-302.500, FAC, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with 62-4.120 and 62-730.300, FAC, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - ☐ Determination of Best Available Control Technology (BACT)
 - ☐ Determination of Prevention of Significant Deterioration (PSD)
 - ☐ Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - ☐ Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
 - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule;

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law that is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.
16. In the case of an underground injection control permit, the following permit conditions also shall apply:
 - a. All reports or information required by the Department shall be certified as being true, accurate and complete.
 - b. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
 - c. Notification of any noncompliance that may endanger health or the environment shall be reported verbally to the Department within 24 hours and again within 72 hours, and a final written report provided within two weeks.
 - (1) The verbal reports shall contain any monitoring or other information that indicate that any contaminant may endanger an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.
 - (2) The written submission shall contain a description of and a discussion of the cause of the noncompliance and, if it had not been corrected, the anticipated time the noncompliance is expected to continue, the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance and all information required by 62-528.230(4)(b), FAC.
 - d. The Department shall be notified at least 180 days before conversion or abandonment of an injection well, unless abandonment within a lesser period of time is necessary to protect waters of the state.

17. In the case of a hazardous waste facility permit, the following permit conditions shall also apply:

a. The permittee will submit the following reports to the Department:

- (1) Manifest discrepancy report: If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within 15 days after receiving the waste, the permittee shall immediately submit a letter report including a copy of the manifest to the Department.
- (2) Unmanifested waste report: The permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.
- (3) Biennial report: A biennial report covering facility activities during the previous calendar year shall be submitted to the department by March 1 of each even numbered year pursuant to 62-730, FAC.

b. Notification of any non-compliance that may endanger public drinking water supplies, or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be verbally submitted to the Department within 24 hours and a written submission provided within 5 days. The verbal submission within 24 hours shall contain the name, address, I.D. number and telephone number of the facility and owner or operator, the name and quantity of materials involved, the extent of injuries (if any), an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain the following:

- (1) a description of any cause of non-compliance; and
- (2) if not corrected, the anticipated time the non-compliance is expected to continue and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

c. Reports of compliance or non-compliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

- d. All reports or information required to be submitted to the Department by a hazardous waste permittee shall be signed by a person authorized to sign a permit application.

SPECIFIC CONDITIONS:

PART I - STANDARD

1. General Requirements

- a. The facility shall comply with all applicable portions of 40 CFR Part 279 (§279) and Chapters 62-701 and 62-710, Florida Administrative Code (FAC).
- b. This facility shall be constructed and operated in accordance with all applicable requirements of Chapters 62-3, 62-4, 62-330, 62-520, 62-522, 62-550, 62-701, 62-713 and 62-770, FAC, and all other applicable requirements of Department Rules.
- c. By acceptance of this Permit, the Permittee certifies that he has read and understands the obligations imposed by the Specific and General Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit ~~for failure to~~ fail to comply with all conditions and deadlines.
- d. The following modifications to the general conditions are hereby incorporated:
 1. Any records that the permittee is required to maintain at the facility under this permit may be maintained at the permittee's corporate offices located at 3701 Central Avenue, St. Petersburg, Florida.
 2. Nothing contained in General Condition 10 shall be deemed to waive any right permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if permittee is otherwise legally entitled to do so.
 3. General Conditions 16 and 17 do not apply to permittee's facility.
 4. In General Condition 7, the Department acknowledges that the permittee's management are physically located offsite at permittee's corporate offices and that the Department will allow a "reasonable time" for permittee's management to reach the site to facilitate Department inspection of this facility. However, nothing in this condition should be interpreted to limit the Department's lawful inspection right to inspect this facility as provided by Statute and rule.

2. Submittals

- a. Submittals in response to any conditions of this permit (except Specific Condition I.2.b) shall be submitted as follows:

(1) One copy to:

Hazardous Waste Section Manager
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

(2) One copy to:

Environmental Administrator
Hazardous Waste Regulation Section, M.S. 4560
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

- b. All submittals in response to the permit conditions of "Part IV - Solid Waste Processing" to:

Solid Waste Section Manager
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

3. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating: the name and date of the document submitted; the number(s) of the Specific Condition(s) affected; the permit number and project name of the permit involved; and the document has been sent to each organization listed in Specific Condition I.2.a.
4. All request for permit modifications shall be certified by the owner and operator and signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with 471, FS. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with 492, FS.
5. The Department may ~~modify, revoke, reissue, or terminate for cause this permit. revoke this permit in accordance with 403.087(7), FS, or may modify this permit in accordance with 62-4.080, FAC.~~ The filing of a request for a permit modification, ~~revocation, reissuance, or termination,~~ or the notification of

planned changes or anticipated noncompliance on the part of the permittee does not stay the applicability or enforceability of any permit condition.

6. The permittee ~~may~~ shall submit any subsequent substantial revisions in the permitted operation or design of this facility to the Department for approval. ~~These revisions shall meet the requirements of 62-4.080 and 62-710, FAC, and shall be accompanied by any required fee approval prior to implementation~~
7. The permittee shall apply for permit renewal at least ~~180~~60 days before the expiration date of this permit, in accordance with the requirements of ~~62-701 and 62-710, 62-4.090, FAC.~~
8. The permittee shall submit a revised "Part I" of the Application Form for a Used Oil Processing Facility Permit to the Department within 30 days of any changes in the information stated in Part I.
9. The Department may modify the conditions of this permit as ~~described in 403.704(16), FS,~~ in accordance with 62-4.080, FAC.
10. This permit is transferable only upon Department approval in accordance with 62-4.120, FAC. The permittee shall be liable for any noncompliance with the permitted activity until the transfer is approved by the Department.
11. The permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13), FAC, by March 1 of each year.
12. The permittee shall maintain documentation of any shipment of used oil that is refused due to failure to meet pre-screening requirements set forth in Attachment 4 of the permit application.
13. The permittee shall use all reasonable efforts, including but not limited to correspondence, telephone calls, personal contacts, drafting and redrafting agreements, and payment of a fee, to obtain any access to real property necessary for work to be performed in the implementation of this permit. If necessary access cannot be obtained by the permittee, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, the permittee shall notify the Department within five business days of such refusal or revocation. The Department may at any time seek to obtain such access as is necessary to implement the terms of this permit. The permittee shall reimburse the Department for any damages, costs, or expenses, including expert and attorneys' fees, that the Department is ordered to pay, or that the

Department incurs in connection with its efforts to obtain necessary access to said property. The permittee shall pay these sums to the Department, or arrange a payment schedule with the Department, within 30 days of demand by the Department.

PART II - USED OIL PROCESSING

1. The permittee may accept certain mixtures of used oil and hazardous waste if said mixture is regulated as used oil under §279.10 or applicable Florida law. The permittee shall not otherwise accept or store hazardous waste (including mixtures of used oil and hazardous waste) received from off-site generators at the facility without receiving written approval from the Department [§264]; provided, however, nothing herein shall prevent the permittee [§264].
~~from accepting any material defined to be "used oil" under §279.1.~~
2. The permittee shall comply with the storage capacities identified in Attachment 3 (Tables 3-1, 3-2 and 3-3) of the application.
3. The permittee shall only introduce into the processing equipment or process, used oil and other waste streams as specified in Attachment 2, pages 1 through 3, of the permit application or as described in Specific Condition IV.1.b(1)-(8); provided, however, nothing herein in this Specific Condition shall be deemed to prevent permittee from introducing virgin products, products or non-hazardous liquids containing BTU value (e.g., non-hazardous sludge, inks, greases) into the process prior to analysis pursuant to Specific Condition II.8 below.
4. The permittee shall maintain records of hazardous waste determinations and/or certifications from each generator for used oil waste streams (e.g., used antifreeze) received at the facility pursuant to §279.57(a)(2). The determinations and/or certifications are to be requested from the generator each time the generator's process changes. If a non-hazardous determination is based on process knowledge, the permittee shall obtain a document from the generator that contains a brief description that clearly states the generator's process and management practices that led to the non-hazardous determination. If analytical results are used to demonstrate that the waste is non-hazardous, documentation shall be in the form of results generated by permittee's laboratory or a State of Florida Certified laboratory using FDEP approved methods. The permittee shall keep this documentation on file at the facility or corporate offices.

5. The permittee shall comply with the tracking requirements specified in §279.56 and 62-710.510, FAC.
6. The permittee shall keep an operating record, in the form originally collected or obtained, at the facility or corporate offices which includes:
 - a. a copy of the permit application;
 - b. manifests and other shipping documents (for 3 years) [§279.56(c)];
 - c. training records;
 - d. the results of inspections (for 3 years);
 - e. a summary report and details of incidents that require implementation of the contingency plan;
 - f. the closure plan;
 - g. the results of all waste analyses (for 3 years);
 - h. annual used oil activity reports; and,
 - i. a validated annual used oil registration form.

Unless otherwise specified above, these records must be maintained at the facility or corporate offices until the Department accepts certification of closure.

7. The permittee shall only ship used oil with or accept used oil only by using from a used oil transporter who has obtained an EPA identification number and has registered with the State of Florida. [62-710.500(1)(a), FAC].
8. Processed Used Oil Analysis Plan [§279.55]
 - a. The permittee shall obtain representative samples from its processed used oil tanks as stated in Section 4.2.1 of the application. After prior Department approval, other procedures for obtaining a representative sample based on either the sampling methods in §261, Appendix I or a method shown to be equivalent under §260.20 and §260.21 may also be used.
 - b. Unless modified by the results of the study in Specific Condition II.8.c below, the permittee shall sample and analyze every tank (i.e., batch) of used oil processed prior to

shipping off-site to determine if the processed oil meets the on-specification used oil fuel criteria. The analysis ~~may be performed~~ shall be performed either by the permittee's laboratory or an independent laboratory certified in the State of Florida. This classification of on-specification used oil fuel must meet the requirements of the rebuttable presumption and the analytical parameters shown in Table 4-1 of the application and listed in §279.

Once the sample has been obtained, each tank of processed used oil shall be tagged-out and shall not have any additional materials (e.g. used oil, diesel fuel, etc.) added to the tank that would invalidate the analysis. The permittee shall duly note the batch number of any tank (i.e., batch) that does not meet the on-specification used oil fuel criteria and the disposition of that tank (i.e., batch) in the facility's daily operating log. If the tank (i.e., batch) is re-processed, both the initial and re-processed analytical results are to be maintained in the facility's records.

- c. At the election of the permittee, an additional study may be conducted as outlined in this permit condition to provide additional data for demonstrating process knowledge in determining on-specification used oil fuel.

The permittee will perform a sampling program that will entail sampling every tank (i.e., batch) of processed used oil prior to shipping off-site for a three (3) month period. At least 31 samples but no more than 41 samples shall be taken during this sampling period. Sampling shall be performed in accordance with Specific Condition II.8.a above. The Department shall be notified at least twenty-four (24) hours prior to each sampling event.

Each sample will be analyzed by the permittee, or an independent laboratory, for all of the constituents and properties listed in §279.11, Table 1 including PCBs. If analyzed by the permittee, at least 10% of the samples are to be "split" with one portion to be analyzed by the permittee and one portion to be analyzed by an independent laboratory. Using SW-846 as a guideline, all appropriate quality assurance records (such as sample tracking procedure, sample holding times, chain of custody procedure, analytical methods used, method detection limits, etc.) must be retained.

The permittee shall submit to the Department the raw analytical data (including quality assurance records) from the sampling period and a statistical analysis of the data for review. Upon review of the submittal, the Department will

determine the frequency of future sampling of processed used oil at the facility as follows. For each constituent/property analyzed, calculate the Student's "t" value from the data obtained for that constituent/property as described in this permit condition. Compare this "calculated t" with the tabulated "t" value from Table 9-2 of SW-846 which correspond to the applicable degrees of freedom (degrees of freedom = number of samples - 1), such that the sample mean plus the 80% confidence interval is less than the regulatory limit (except for flash point where the sample mean minus the 80% confidence interval which will be greater than the regulatory limit).

- (1) If the "calculated t" value of the constituent/property analyzed is equal to or greater than the corresponding "t" value of Table 9-2, such that the sample mean plus the 80% confidence interval is less than the regulatory limit (except for flash point where the sample mean minus the 80% confidence interval which will be greater than the regulatory limit), the permittee shall sample and analyze every tank (i.e., batch) of processed used oil for that constituent/property prior to shipping off-site. The analysis shall be performed in the manner described in Specific Condition II.8.b above.
- (2) If the "calculated t" value of the constituent/property analyzed is less than the corresponding "t" value of Table 9-2, such that the sample mean plus the 80% confidence interval is less than the regulatory limit (except for flash point where the sample mean minus the 80% confidence interval which will be greater than the regulatory limit), the permittee shall sample and analyze one tank (i.e., batch) of processed used oil once every two weeks for that constituent/property prior to shipping off-site. The analysis shall be performed in the manner described in Specific Condition II.8.b above.

d. At the election of the permittee, the study outlined in Specific Condition II.8.c above may be repeated for any constituent/property that does not pass following the first study. Any subsequent studies must be completed within one (1) year of the end of the first study.

9. The permittee shall manage the sludges, residues, and by-products generated from the storage and processing of used oil at the facility in accordance with §279.10(e).

PART III - TANKS

"Tank system", for the purpose of Part III of this permit, is defined as the storage tank(s), appurtenant equipment and secondary containment structures comprising the permittee's used oil processing facility.

1. The permittee shall label or mark all aboveground tanks and containers used to store or process used oil, with the words "Used Oil". [§279.54(f)]
2. The permittee shall inspect all regulated tank systems in accordance with procedures presented in Unit Management (Attachment 9) of the permit application.
3. The inspection records and release detection monitoring required in 62-761.600, FAC, for aboveground process and storage tanks shall be maintained in the permittee's operating record.
4. Aboveground storage and process tanks having a capacity greater than 550 gallons shall comply with the performance standards of 62-761.500 and 62-761.510, FAC.
5. The permittee shall prevent the release of used oil or other pollutants to the environment. The secondary containment shall be sealed, free of cracks and maintained in accordance with 62-761.500(1)(e), FAC.
6. The permittee shall provide and maintain adequate secondary containment that shall be impervious to the types of pollutant stored in the tanks and contain at least 110 percent of the volume of the largest tank in accordance with 62-761.500, FAC.
7. The Department acknowledges that the used oil processing facility is not currently in compliance with 62-761, FAC, requirements for secondary containment. Consent Order #97-2190 has a schedule for achieving facility compliance with the impervious lining and volume requirements of 62-761.500, FAC. ~~When compliance is achieved, The Department acknowledges that permittee's completion of the terms of the Consent Order will be replaced by the Conditions of this permit.~~
satisfy the construction/design requirements for secondary containment contained in Specific Condition III.6 above.
8. Spilled or leaked waste must be removed from the secondary containment areas within three (3) days of the incident [62-761.820(1)(d), FAC]. Accumulated precipitation must be removed from the secondary containment areas within one week after a rainfall event [62-761.700(3)(a), FAC]. The above materials shall be managed in accordance with Attachment 9 of the permit application.

HOWCO Environmental Services
FLD 152 764 767
92465-HO06-001

PROJECT: Operation of a Used Oil and Material
Processing Facility

PART IV - SOLID WASTE PROCESSING

1. Facility Designation. In addition to the used oil activities permitted above, this facility shall be classified as a waste processing facility for the processing of non-hazardous wastes. Notwithstanding the above, nothing herein shall prohibit the permittee from handling virgin materials or products. This permit does not regulate in-feed waste streams otherwise permitted to be received or handled by the permittee pursuant to its Industrial Wastewater Pretreatment permit with the City of St. Petersburg.

a. Definitions. The following terms are defined as follows for the purposes of this permit:

- (1) "Contaminated" means the presence of petroleum or petroleum products or their chemical constituents in surface water, groundwater, soil, sediment, or upon the land, in quantities or concentrations that may result in exceedances of the applicable cleanup target levels specified in 62-777, FAC, or water quality standards in 62-3, 62-302, 62-520 or 62-550, FAC, or in quantities or concentrations that may result in contaminated sediment.
- (2) "Contaminated sediment" means sediment that is contaminated with petroleum or petroleum products or their chemical constituents to the extent that contamination may be harmful to human health or the environment as determined by the concentrations of the petroleum or petroleum products' contaminants of concern, actual circumstances of exposure, diversity studies, toxicity testing or other evidence of harmful effects, as applicable. (Refer to the Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994, for guidance on the evaluation of concentrations of petroleum products' contaminants of concern and sediment quality conditions.)
- (3) "Contaminated soil" means soil that is contaminated with petroleum or petroleum products or their chemical constituents to the extent that applicable soil cleanup target levels specified in 62-777, FAC, are exceeded.
- (4) "Contamination" refers to the definition for "contaminated."
- (5) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for solid waste management.

- (6) "Impervious surface" means a surface that has been constructed to prevent the discharge of contaminants into or onto the soil mantle. Asphalt pavement or concrete which has been sealed by a chemical resistant sealant, and which does not exhibit cracking, spalling, gouges, or other deficiencies, may be considered "impervious" for the purposes of this permit.
- (7) "Non-hazardous wastes" are wastes that are not included in the definition of hazardous wastes pursuant to 62-730, FAC.
- (8) "Petroleum contaminated soil" as defined in 62-713.200(6), FAC.
- (9) "Petroleum contaminated water" means water which has been contaminated as defined in Specific Condition IV.1.a(1) above, exclusively by petroleum products as defined in 376.301(21), FS (1995), in quantities which may result in a violation of 62-3, FAC, water quality standards.
- (10) "Processing" means separating and consolidating the materials received based on physical characteristics (including processing of such materials through the oily solids batch treatment tank #111 and the cone-bottom tank #110), and includes bulking and consolidation of materials from small containers into larger containers, and separation of liquids and solids and may include the addition of "solidification agents" as defined below. The addition of solidification agents shall not be deemed to change the chemical characteristics of the waste stream under this permit. "Processing" does not include treatment, such as the stabilization of materials by the addition of stabilization agents, or changing the chemical character, composition or concentration of the materials.
- (11) "Site" means the area of land or water within the property boundaries where one or more waste processing, resource recovery, recycling, storage or disposal areas are located.
- (12) "Solidification Agents" include "oil-dri", vermiculite, clay absorbents, fly ash, and clean soil that are purchased specifically for solidification purposes. Other absorbent materials which may change the physical characteristics (e.g., solid/liquid state) purchased specifically for solidification purposes may be added to this list of solidification agents if written notice is provided to the Department.

- (13) "Solid Waste Processing Area" shall include the Solids Storage Area and the Sludge Separation Area shown on Drawing 10-2 in the permit application.
- (14) "Stabilization Agents" include cement kiln dust, fly ash, lime, or other chemical reagents whose addition may alter the chemical characteristics of the materials.

- b. The materials, which are permitted to be accepted, processed, stored or otherwise managed at the facility under Part IV of this permit, **are limited to the non-hazardous wastes** identified below as these terms are identified in this section above:
- (1) Petroleum contaminated soil.
 - (2) Petroleum contaminated sorbent materials (e.g. pads, booms, rags, vermiculite, etc.), personal protective equipment (PPE) and petroleum contaminated debris associated with a spill such as gravel, rock, concrete, asphalt and ~~de minimus~~minimis quantities of other petroleum contaminated solid wastes.
 - (3) Petroleum tank bottom sludges from petroleum storage tank systems regulated pursuant to 62-761, FAC, non-regulated petroleum storage tank systems, pits, containment areas, sumps and tanks.
 - (4) Petroleum contaminated water as defined in this permit, Specific Condition IV.1.a(9).
 - (5) Petroleum contact water (PCW) as defined in 62-740.030(1), FAC.
 - (6) Petroleum contaminated sediments, sludges and liquids that originate from oil/water separators at residential car washes, rollover car washes, and tunnel car washes as defined in 62-660.803(3), FAC.
 - (7) Empty petroleum contaminated drums, pails, gas tanks, and fuel filters not otherwise constituting "used oil".
 - (8) Non-hazardous, non-liquid waste streams generated from the on-site used oil processing and industrial wastewater pretreatment facilities.
- c. Unless specifically stated otherwise in this permit, the wastes listed in Specific Condition IV.1.b. may be accepted, processed, stored and managed only if the permittee has obtained reasonable assurance that the materials are not hazardous waste as defined in Specific Condition IV.1.a(7). ~~See Specific Condition IV.4.f for the documentation necessary to demonstrate reasonable assurance.~~
- d. Wastes not specifically listed or described in Specific Condition IV.1.b. shall not be managed at the facility pursuant to Part IV of the permit.

- e. Part IV of the permit does not authorize the management of household hazardous wastes (described in §261.4), or hazardous wastes generated by conditionally exempt hazardous waste generators regulated under §261.5 ~~(CESQG's)~~ (CESQG's). However, certain mixtures of used oil and hazardous waste may be accepted for used oil processing as identified in Specific Condition II.1 and the Department acknowledges that this condition does not apply to such used oil materials that may be lawfully accepted pursuant to Part II of this permit and applicable law.
2. Prohibitions. The prohibitions of 62-701.300, FAC, shall not be violated at this site.
3. Facility Operation Requirements.
- a. The permittee shall operate this facility in accordance with 62-701.700, FAC, the Operations Plan, other documentation supporting the permit application, and any other applicable requirements.
- b. In the event that the processing equipment becomes inoperable, the permittee shall complete repairs, or provide reserve equipment, **within one week of discovery** of the equipment failure. In the event that sufficient reserve equipment is not available within one week of the equipment failure, and the facility has reached its permitted storage capacity, the facility shall not accept additional waste materials until sufficient equipment is operating at the site.
- c. Incompatible materials shall not be combined during receipt, storage or processing at the facility.
- d. ~~In addition to meeting the requirements of Chapter 62-761, FAC, the Oily Solids Batch Treatment Tank #111, the Cone Bottom Tank #110 and associated containment area shall meet the following requirements of 62-701.400(6), FAC.~~
- ~~(1) The secondary containment system shall be constructed of a concrete pad that will maintain its integrity for the lifetime of the tanks with a corrosion resistant coating.~~
- ~~(2) The secondary containment system shall be designed to contain and remove storm water from the secondary containment area. Any accumulated precipitation shall be removed within 24 hours or when 10 percent of the storage capacity is reached, whichever occurs first.~~

~~(3) The tanks shall be equipped with an overfill prevention system which includes level sensors and gauges, high level alarms or automatic shutoff controls. The overfill control equipment shall be inspected weekly by the facility operator to ensure it is in good working order.~~

~~(4) The exposed exterior of the tanks shall be inspected weekly by the facility operator for leaks, corrosion, and maintenance deficiencies. Interior inspection of these tanks shall be performed whenever the tanks are drained or at a minimum of every three years. If the inspection reveals a tank or equipment deficiency, leak, or any other deficiency that could result in failure of the tank to contain the solid waste and/or leachate, remedial measures shall be taken immediately to eliminate the leak or correct the deficiency. Inspection reports shall be maintained and made available to the Department upon request for the lifetime of the liquid storage system.~~

e-d. Except as described in Specific Condition IV.1.a(10) above, the operations of this facility shall not alter the chemical characteristics of the solid waste materials received, processed, stored or otherwise managed by the addition of stabilization agents, or other methods, without prior Department approval. If the permittee chooses to "stabilize" solid materials or otherwise change the chemical characteristics of the materials, a permit modification shall be required.

4. Waste Acceptance.

- a. Wastes shall be accepted in accordance with the Operations Plan, the Sampling & Analysis Plan, the conditions of this permit and the information submitted in support of this permit.
- b. Each solid waste stream generated by the used oil processing facility shall be sampled and analyzed for the parameters listed in Table 4-3 of the permit application **at least annually**.
- c. Wastewater treatment sludge (WWTs) generated from permittee's industrial waste pre-treatment plant sludge press and that the permittee intends to dispose off-site with no further processing at the facility (other than mixing with soil or other material for the purpose of absorbing liquid) shall be sampled and analyzed in accordance with the requirements of Specific Conditions IV.4.c(1) through (6) below. This waste characterization process will be repeated in order to

adequately re-characterize the waste each time the in-feed wastewater composition changes to the degree that invalidates the established generator knowledge for this waste stream. The solid waste generated by the on-site industrial wastewater pre-treatment shall not be managed with any other waste streams prior to shipment off-site, sampling and analysis required by Specific Condition IV.4.c(1) through (6) below.

- (1) WWTS shall be sampled as follows: permittee shall cause a qualified professional trained in sampling techniques ("sampling professional") to take a composite sample, consisting of at least six sub-samples, of WWTS contained in the dump hopper. The sample shall be taken when the dump hopper is at least half-full and be taken directly from the hopper before the waste is commingled with any other materials or waste streams. The WWTS batch shall be uniquely identified by permittee and tracked on all chain-of-custody and other documentation concerning sampling and analysis. The sample shall be delivered to a chemical analytical laboratory for analysis. The laboratory must be a "qualified laboratory", that is, have a Department approved Comprehensive Quality Assurance Plan (CompQAP), and be approved for Toxicity Characteristic Leaching Procedure, EPA Method 1311 (TCLP), for all parameters listed in Table 1 of §261.24 ("toxic" contaminants). Within the sample holding time limit, the sample shall be analyzed by TCLP for all toxic contaminants.
- (2) The WWTS shall be sampled quarterly for two quarters and analyzed as described above and permittee shall submit to the Department a laboratory report documenting the results of the sampling and analysis performed in accordance with Specific Condition IV.4.c(1) above.
- (3) Thereafter, and not including any analyses performed in accordance with Specific Condition IV.4.c(5) below, the WWTS shall continue to be analyzed at a minimum frequency of once per year in the same manner as described above.
- (4) Although generated at two different facility process units, the waste solids generated at the cone-bottom tank (Tank No. 110) and at the oily solids batch treatment tank (Tank No. 111), are agreed by the Department and permittee to constitute the same waste stream. The oily solids batch treatment tank is generated from permittee's processing of waste sludges that typically contain recoverable petroleum constituents, but their exact composition is not precisely known because they come from many different facilities and are derived from a variety of sources and processes;

including oil/water separators, storage tank clean-outs, and residential car wash etc-holding tanks [62-660.803(3) FAC]. Wastes generated by the permittee from processing used oil are also processed in these units. This waste stream shall be identified as oil-extracted sludge (OES). The generation of OES is agreed to occur at the time and point at which solid waste is removed from either process unit, and permittee intends to dispose of the waste off-site with no further processing at the facility, other than mixing the waste with soil or other material for the purpose of liquid absorption. OES shall be sampled at a point after it is removed from ~~with either~~ process unit and before mixing with any other material, and shall be analyzed and managed in the same manner and within the time frames specified for WWTS in Specific Conditions IV.4.c(1) through (3) above. For the purposes of the sampling hereunder, an "OES batch" shall be defined as any amount over 55 gallons and less than the capacity of the unit removed on the same day from either process unit. The initial sample may be taken from an OES batch generated at either process unit at the permittee's discretion. Consecutive samples shall be taken alternately from the two process units.

- (5) If any of the toxic contaminant Regulatory Levels (as defined in §261.24, Table 1) are exceeded on any TCLP analysis performed in accordance with Specific Conditions IV.4.c(1) through (4), then all WWTS or OES from the batch sampled must be managed in compliance with all hazardous waste requirements per 62-730, FAC. Permittee shall segregate, uniquely identify and store each WWTS and OES batch sampled in a labeled container at the facility until the analytical results are received and reviewed to determine if the waste must be managed as hazardous waste. Following the receipt of analytical results that indicate a batch of WWTS or OES exceeds any Regulatory Levels, all WWTS or OES generated subsequently, as applicable, will be accumulated in discrete batch amounts as defined in Specific Conditions IV.4.c(1) and (5), and shall be managed in compliance with all hazardous waste requirements per 62-730, FAC, until and unless none of the Regulatory Levels are exceeded as determined by analysis of two consecutive batches of the applicable waste.
- (6) Permittee shall cause a sampling professional to sample each discrete batch of the following wastes at the point of generation prior to mixing with any other material; spent carbon and sand filtration media, and any other solid waste stream generated by the used oil and wastewater plants, other than the waste streams identified herein as WWTS, OES,

tank bottom sludge and screen filter residue. Each sample shall be analyzed by a qualified laboratory using the TCLP procedure for all toxic contaminants. Permittee shall submit the laboratory results to the Department as soon as the data are available. If any of the toxic contaminant Regulatory Levels are exceeded for any waste, then that waste must be managed in compliance with all applicable hazardous waste requirements per 62-730, FAC.

d.d. All waste solids generated from cleaning the vibratory screen filter in the used oil processing plant shall be placed in containers that are kept closed ~~to the~~ outside elements except when in use and labeled as "Screen Filter Residue". The containers shall be stored in an area provided with secondary containment until the contents are transferred for further processing into either the cone-bottom tank #110, or the oily solids batch treatment tank #111. All tank bottom sludges generated from the cleaning of storage and process tanks at the facility shall also be transferred for further processing into either the cone-bottom tank or the oily solids batch treatment tank. The "point of generation" of waste derived from ~~with either~~ of these two materials, when managed in this manner, is the cone-bottom tank or the oily solids batch treatment tank, as applicable. If permittee chooses to manage either screen filter residue or tank bottom sludge without further processing through either the cone-bottom or oily solids batch treatment tanks, then permittee shall make a waste determination on such materials in accordance with the analysis specified in Specific Condition IV.4.c(6) above, and manage the waste in accordance with all hazardous waste requirements per 62-730, FAC, if any of the toxic contaminant Regulatory Levels are exceeded.

e. Permittee shall provide verbal notification to the Department's Southwest District Hazardous Waste Section at least three (3) days prior to performing the sampling described in Specific Conditions IV.4.c(1) through (5) above. Permittee shall allow Department representatives the opportunity to obtain a split sample at each sampling event, and allow the Department access to sample the described waste streams at any time during normal business hours. Results of all analyses performed shall be exchanged between permittee and the Department as soon as the data is available.

f. The permittee shall maintain records of hazardous waste determinations ~~and/or certifications~~ from each generator for all solid waste streams (e.g. petroleum contaminated soils) received at the facility ~~that are not recycled pursuant to~~ ~~§262.40(c) facility.~~ The determinations ~~and/or certifications~~

~~are to be requested from~~ are to be updated by the generator on an annual basis or each time the generator's process is changed, whichever occurs first. ~~changed.~~ Permittee will have the generator re-affirm at least annually, that the process has not changed and record this update in the record for that generator. If a non-hazardous determination is based on process knowledge, the permittee shall obtain a document from the generator that contains a brief description that clearly states the generator's process and management practices that led to the non-hazardous determination. If analytical results are used to demonstrate that the waste is non-hazardous, documentation shall be in the form of results generated by a State of Florida Certified Laboratory using FDEP approved methods [Table 2, 62-160.700, FAC]. The permittee shall keep this documentation on file at the facility or corporate offices.

5. Waste Disposal.

- a. All processed materials shall be transferred, or disposed of, at an appropriately permitted disposal or treatment facility. The permittee shall not transfer any material, processed or unprocessed, for treatment or disposal, to a facility not specifically approved for the disposal or treatment of such materials.
- b. Solid wastes produced by the on-site industrial wastewater pre-treatment system or the used oil processing system which are not soil, may be disposed of at a soil ~~thermal~~ treatment facility only if that facility is authorized by an alternate procedure issued pursuant to 62-713, FAC or 62-775, FAC, to accept and manage such wastes.
- c. The permittee shall ensure that the materials which are disposed have been adequately sampled, analyzed and characterized to meet the intended disposal facilities' acceptance criteria. The outgoing materials shall be sampled and analyzed at least **annually**, or more frequently if required by the disposal facility.
- d. Pursuant to 62-660.803(5), FAC, contaminated liquids from car (or truck) wash oil/water separators shall be disposed of at a Department permitted wastewater treatment facility or a pre-treatment facility connected to a department-permitted wastewater treatment facility (such as the permittee's on-site industrial wastewater pre-treatment facility). Processed solids from oil/water separator sludges shall be disposed of at a Class I or Class II solid waste landfill authorized by

the Department unless laboratory analysis confirms alternative disposition is permitted under applicable law.

6. Storage of Materials.

- a. The maximum quantity of ~~materials~~ solid waste stored at the facility pursuant to Section IV of this permit shall be limited to 22,000 gallons. For purposes of compliance with this permit, the following conversions shall be used:

55 gallon drum = 55 gallons
500 gallon tote = 500 gallons
15 cubic yard container = 3030 gallons
20 cubic yard container = 4040 gallons

Storage in other containers may be acceptable with Department approval.

- b. Processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces.
- c. All processed and unprocessed solid wastes shall be stored within the Solids Storage and Sludge Separation Areas shown on Drawing 10-2 in the permit application.

7. Materials Processing.

- a. All materials shall be processed on impervious surfaces, or in tanks or containers.
- b. The owner or operator shall ensure that neither liquids nor solids are discharged outside the Solids Storage and Sludge Separation Areas (Drawing 10-2 in the permit application).
- c. Solid waste materials (liquids, sludges, solids, etc.) shall not be placed on the ground, asphalt or concrete areas at the site, but shall be managed within containers (drums, vac trucks, roll-offs, etc.) and/or processing tanks.
- d. Containers with processed ~~materials~~ waste shall be clearly labeled "~~Processed Solids.~~ Solid Waste."
- e. The owner or operator shall ensure that the discharge pipe for the Oily Solids Batch Treatment Tank #111 discharges only into a suitable container, and does not discharge onto the ground or asphalt pavement.
- f. Equipment that is used for mixing solidification agents with the waste materials shall be decontaminated prior to removal

from the Solid Waste Processing Area. The mixing activities shall be performed such that spillage of waste outside, and damage to, the storage container is prevented.

- g. Mixing operations shall not be conducted during inclement weather.
 - h. ~~Except as specified in Specific Condition IV.3.d above, the~~The owner or operator shall conduct **monthly** inspections of the Solids Storage and Sludge Separation Areas. These inspections shall be recorded on an appropriate form, and shall document the conditions of storage containers, the pavement within the Solids Storage and Sludge Separation Areas, and the processing equipment. In the event that deficiencies are discovered (e.g. leakage), the corrective actions taken shall be noted on the inspection form.
8. Operation Plan and Operating Record. A copy of the Department approved permit, Operations Plan, construction reports and record drawings, Operations and Maintenance Manuals for the used oil processing facility and equipment, and supporting information shall be kept at the site or corporate offices at all times for reference and inspections.
9. Waste Records.
- a. The owner or operator of the waste processing facility shall maintain at the site or corporate offices, and provide to the Department upon request, the following waste records (at a minimum, the most recent three years):
 - (1) The amount of waste received, stored, processed and disposed. The amount of such waste shall include: the 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 of, and stored onsite.
 - (2) The Waste Profile Form and associated analytical data, for each waste stream accepted at the facility.
 - (3) The pre-burn analyses, as required by 62-713, FAC, for each shipment (batch) of petroleum contaminated soil from each separate contaminated site which is received at the facility, for those materials which will be transferred to a permitted soil thermal treatment facility.

(4) The pre-acceptance analyses or written waste determination required by Attachment 4, Sampling and Analysis Plan and Attachment 5, Solid Waste Handling, of the permit application.

~~(5) The analyses for all processed materials, as required by the disposal facility,~~ (5) Copies of any analyses required by a disposal facility as a condition of acceptance of the waste and documentation indicating the actual acceptance of the material at the disposal or treatment facility for each shipment from this permitted facility.

~~(6) Documentation that the all sampling and analyses performed by the generator or the permittee as required by Part IV of this permit, is in accordance with a Department approved Quality Assurance Plan. Documentation may consist of a title page, dated and signed by the Department's QA Section.~~

~~(7) Monthly~~ (6) Monthly Waste Inspection/Corrective Action Log
(see Specific Condition IV.6.h.)

~~(8) Copies~~ (7) Copies of permits for the facilities that receive the processed solids from this facility.

~~(9) Incident~~ (8) Incident Reports (Table 6-2) in the permit application.

b. The following information shall be compiled monthly and a summary submitted to the Department quarterly, by January 15th, April 15th, July 15th and October 15th of each year:

(1) A material balance including the quantities of drums received (gallons), an estimate of the percentage of solids and liquids in each drum received, the quantities of bulk liquids received (gallons), the quantities of bulk solids received (tons), and the quantities of liquids (gallons) and solids (tons) disposed of, and the quantity of liquids, solids and unprocessed drums stored onsite.

(2) The name and location of the disposal or treatment facility for all solid wastes removed from the facility.

10. Drainage Requirements. All areas shall be cleaned at the end of each day's operation, or as needed, to prevent nuisance conditions, hazardous conditions, odor or vector problems. Floors and impervious areas shall be free of standing liquids. Except for discharges to permitted disposal facilities by approved methods, liquids shall not be discharged outside the Solid Waste Processing Area.

11. Closure Requirements. The facility owner or operator shall notify the Department of the facility's closure, **no later than 180 days prior** to the date when the facility is expected to close, as required by 62-701.700(3)(d), FAC. The facility shall be closed in accordance with 62-701.700(3)(d) FAC, and the Closure Plan, Attachment 10, of the permit application.
12. Financial Assurance. The owner or operator shall provide financial assurance for the materials processing facility in accordance with 62-701.700(4), FAC.
 - a. All costs for closure shall be adjusted and submitted **annually, by the anniversary date of the permit issuance** each year, to: Financial Assurance Coordinator, Pinellas County Solid Waste Department, 3095 114th Ave South, St. Petersburg, FL 33716 and one (1) copy shall be sent to: Solid Waste Section Manager, Department of Environmental Protection, Southwest District, 3804 Coconut Palm Drive, Tampa, Florida 33619. The closure cost estimates shall be signed and sealed by a registered professional engineer. The closure cost estimates shall be for the time in the operation when the closing is most expensive, and shall be based on a third-party performing the work.
 - b. **Within sixty (60) days of issuance of this permit**, the owner or operator shall submit initial proof of financial assurance issued in favor of the State of Florida and/or authorized, delegated local program, on appropriate forms, in the amount of \$58,760. Thereafter, proof that the financial mechanism has been funded adequately in the amount of the cost estimates required by Specific Condition IV.12.a shall be submitted **annually** to: Financial Assurance Coordinator, Pinellas County Solid Waste Department, 3095 114th Ave South, St. Petersburg, Fl. 33716 and one (1) copy shall be sent to: Financial Assurance Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, MS#4565, Tallahassee, Fl. 32399-2400.

13. Facility Maintenance and Repair.

- a. The site shall be properly maintained including maintenance of processing equipment, tanks, storage containers, containment systems, impervious surfaces and stormwater systems.
- b. In the event of damage to any portion of the site facilities, failure of any portion of the associated systems, or any reportable "incident" or "discharge" (defined in Rules 62-761.200(2) and (40), FAC) outside of the solids waste processing area, the permittee shall **immediately (within 24 hours)** notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs or remediation. Written detailed notification shall be submitted to the Department **within seven (7) days** following the occurrence.

14. Control of Nuisance Conditions. The owner or operator shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance. The owner or operator shall control disease vectors so as to protect the public health and welfare.

15. Stormwater System. The site shall continue to have a stormwater management system operated and maintained in accordance with 62-330, FAC, and any other applicable Department or water management district rules.

PART V - CONTINGENCY PLAN

1. The facility shall be operated and maintained to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to the air, soil, or surface water that could threaten human health or the environment.
[§279.52(a)(1)]
2. The permittee shall comply with the following conditions concerning preparedness and prevention:
 - a. At a minimum, the permittee shall have the following equipment available at the facility (in addition to items described in Item 7.2 of the Preparedness and Prevention Plan in Attachment

7 of the application, which may be at the facility dependent on availability):

Supplies:	Absorbents booms	5 bales
	Absorbents pads	5 bales
	Absorbents granular	10 bags
	Flashlights	5 each
Equipment:	Push Brooms	3 each
	Shovels	4 each
	55-gallon container	2 each
	Rakes	2 each
Personal Protection:	Tyvek suits	5 each
	Gloves	5 each
	Safety glasses	5 each
	Rain gear	5 each

- b. The permittee shall test and maintain the equipment specified in the Preparedness and Prevention Plan as necessary to assure its proper operation in time of emergency.
3. The permittee shall inspect the facility operating, emergency and safety equipment in accordance with §279.52(a)(3).
 4. All personnel involved in the management of used oil must have immediate access to an internal alarm or emergency communication device whenever used oil is being poured, mixed, spread, or otherwise handled as described in §279.52(a)(4).
 5. The permittee shall maintain adequate aisle space as required by §279.52(a)(5).
 6. The permittee shall post at conspicuous locations at the facility information on emergency equipment and evacuation routes as outlined in the Contingency Plan (Attachment 8) of the permit application.
 7. The Contingency Plan shall be immediately amended and distributed to the appropriate agencies if any criteria of §279.52(b)(4) are met.
 8. The permittee shall immediately carry out the Emergency Procedures as described within the Contingency Plan of the application whenever there is a release, fire, or explosion that threatens or could threaten human health or the environment [§279.52(b)(6)].

9. The permittee shall give proper notification to the Department if an emergency situation arises, and within 15 calendar days, must submit to the Department a written report which includes all information required in §279.52(b)(6)(ix).

The FDEP 24-hour emergency telephone number is 850-413-9911. The District FDEP Emergency Response number is 813-744-6462. During normal business hours, the District FDEP Office may be contacted at 813-744-6100.

PART VI - TRAINING

1. Facility personnel must successfully complete the approved training program identified in the Training Plan (Attachment 11) of the permit application. Personnel shall not work unsupervised until training has been completed.
2. The training plan must be reviewed by facility personnel at least annually. Verification of this training must be kept with the personnel training records and maintained on-site or at the corporate offices.
3. The permittee shall maintain an updated list of personnel handling used oil and their respective job titles at the site.

PART VII - CLOSURE

1. The permittee shall have a written closure plan as required by §279.54(h) and 62-710.800(9), FAC. The closure plan and all revisions to the plan must be kept at the facility until closure is completed, certified and accepted by the Department.
2. The permittee shall amend the closure plan in accordance with 62-710.800(9)(b), FAC, whenever necessary. The closure plan amendment shall be submitted as a permit modification and certified pursuant to Specific Condition I.4.
3. The permittee shall close the facility as described in the Closure Plan of the permit application, unless the plan is modified as described in Specific Conditions VII.2 and VII.7.
4. The permittee shall manage materials generated during closure (solid and liquid decontamination residues and contaminated soils) based upon a waste classification in accordance with §262.11.

5. The permittee shall demonstrate that the facility has met the requirements of 62-710.800(9)(a)(2), FAC. ~~This demonstration will be deemed acceptable by the Department when it is shown that parameters of concern are at or below 62-710.800(9), FAC, by showing the following:~~
~~the following concentrations:~~
- a. ~~Liquid~~The permittee will have demonstrated that used oil has not contaminated surface or ground water after completion of closure activities [62-710.800(9)(a)(2), FAC] when contaminant concentrations in the liquid decontamination residues (e.g., facility and equipment wash-down rinsate): ~~Utilizing rinsate~~ do not exceed applicable groundwater cleanup target levels (GCTLs) identified in 62-777, FAC.
FAC, and contaminant concentrations in soils at the site do not exceed
 - b. ~~Soil Utilizing~~ applicable leachability values identified in 62-777, FAC.
 - c. ~~b.~~ In order for the permittee to receive a "No Further Action" (NFA) determination or a Site Rehabilitation Completion Order (SRCO) from the Department for the facility, soils must also either meet applicable soil cleanup target levels (SCTLs) identified in 62-777, FAC or otherwise demonstrate that the soil's risk to groundwater, surface water or public health have been ~~sitemanaged specifically managed for this site.~~
6. The permittee shall analyze all samples for target parameters using appropriate methods from Test Methods for Evaluating Solid Waste (EPA SW-846), latest edition.
7. The permittee shall notify the Department at least sixty (60) days prior to the date they expect to begin closure and submit a complete revised closure plan and a request for permit modification with appropriate permit modification fee. [62-710.800(6) and (9), FAC]
8. Within thirty (30) days after completion of closure, the permittee shall certify that the facility has been closed in accordance with the specifications in the closure plan of the permit application.
9. Within ninety (90) days of determining that all contaminated soils cannot be practically removed, the permittee shall submit a hazardous waste permit application to close the tank system(s) and perform post-closure care in accordance with the closure and post-closure care requirements of §265.310 that apply to hazardous waste landfills. [§279.54(h)(1)(ii)]

10. In the event that facility closure occurs prior to State-implemented cleanup, discharges at the property of petroleum or petroleum products that have been found eligible for cleanup under the Petroleum Cleanup Participation Program, 376.3071(13), FS, shall be addressed in accordance with the terms of that program, notwithstanding any provision of this permit. As provided by 376.308(5), FS, "Effective July 1, 1996, and operating retroactively to March 29, 1995, notwithstanding any other provision of law, judgment, consent order, order, or ordinance, no person who owns or operates a facility or who otherwise could be responsible for costs as a result of contamination eligible for restoration funding from the Inland Protection Trust Fund shall be subject to administrative or judicial action, brought by or on behalf of the state or any local government or any other person, to compel rehabilitation in advance of commitment of restoration funding in accordance with a site's priority ranking pursuant to s. 376.3071(5)(a) or to pay for the costs of rehabilitation of environmental contamination resulting from a discharge of petroleum products that is eligible for restoration funding from the Inland Protection Trust Fund."

Issued this _____ day of _____, 200__

Deborah A. Getzoff
Director of District Management
Southwest District

FAX TRANSMISSION

HOWCO ENVIRONMENTAL SERVICES

3701 Central Avenue
St. Petersburg, FL 33713
(813) 328-2410 Ext. 226
Fax: (813) 323-2249

To: Stanley Tam Date: 5-23-00
Company: DEP
Fax #: 813-744-6125 Pages: 2 including this cover sheet.
From: Tim Hagan
President/CEO
Subject: Waiver

COMMENTS:

FILE: 3-C
35/00

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

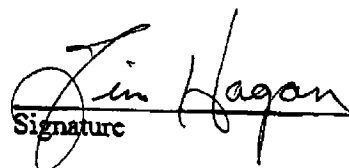
License (Permit, Certification) Application No.

Applicant's Name: Howco

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 15 day of JUNE, 20 00.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature

Tim HAGAN
Name (Please Type or Print)



FAX TRANSMISSION

To: Stanley Tam Date: 4-28-00
Company: DEP
Fax #: 813-744-6125 Pages: 2 including this cover sheet.
From: Tim Hagan
President/CEO
Subject: Waiver

COMMENTS:

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

License (Permit, Certification) Application No.

Applicant's Name: Howco Environmental Services

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 15 day of MAY, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.

Tim Hagan
Signature

Tim Hagan
Name (Please Type or Print)



FAX TRANSMISSION

To: Stanly Tam Date: 4-14-00
Company: DEP
Fax #: 813-744-6125 Pages: 2 including this cover sheet.
From: Tim Hagan
President/CEO
Subject: Waiver

COMMENTS:

Fy Records

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

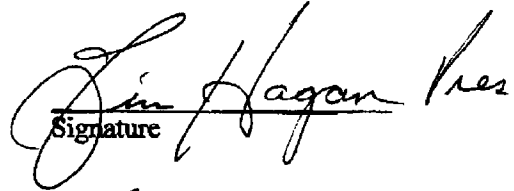
License (Permit, Certification) Application No.

Applicant's Name: Howco Environmental Services

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 1ST day of MAY, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature

Tim Hagan
Name (Please Type or Print)

CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL. (813) 223-7000 FAX (813) 229-4133

FAX COVER SHEET

Date:	April 12, 2000	Phone Number	Fax Number
To:	Bill Kutash	(813) 744-6100 x353	(813) 744-6125
From:	Laurel Lockett	(813) 223-7000	(813) 229-4133

Client/Matter No.: 378/31028/59598

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

Message: Re: Howco Environmental Services

Attached is a blackline of Pages 2-2, 3-4, and 3-5 of the UO Application.

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Federal Express

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF THERE ARE ANY PROBLEMS OR COMPLICATIONS, PLEASE NOTIFY US IMMEDIATELY AT:
(813) 223-7000

TELECOPIER OPERATOR: _____

April 12, 2000

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P.A.

TAMPA ORLANDO PENSACOLA TALLAHASSEE WEST PALM BEACH ST. PETERSBURG MIAMI

FILE: 3-C
32/00

landfilling. A copy of the permits for the facilities that receive the solids are maintained on file at the Company.

A brief description of the above operations is given in Items 2.1 to 2.4 inclusive.

ITEM 2.1 OIL RECOVERY PROCESS

The collected used oil is recovered and processed in the oil processing facility. The following are the major feedstock sources:

- Automotive crankcase oil, transmission and rear end oil.
- Oil/water emulsions from ships, barges and other sources.
- Automotive oils recovered from oil water separators.
- Virgin oils contaminated with water.
- Virgin oils recovered from tank cleaning and tank removals.
- Used industrial oil.

The Company has installed the necessary process equipment and maintains other equipment necessary for collection, testing, processing and delivery of the processed oil products. Detailed tables of the oil storage tanks and processing equipment are part of Attachment 3 (Detailed Process Description).

ITEM 2.2 INDUSTRIAL WASTEWATER PRETREATMENT PLANT

The industrial wastewater pretreatment plant is operated under the City of St. Petersburg, Wastewater Discharge Permit #SPFL-093 5093-SU-86-32. The permit sets effluent limitations in accordance with the City pretreatment ordinance. The industrial wastewater pretreatment facility has a filter press that solidifies sludges into solid cakes. These solids are generated on site and are sent to a permitted landfill for disposal. Information on the wastewater pretreatment plant is provided for information only and is not part of the used oil process plant or this application.

ITEM 2.3 SOLID WASTE PROCESS

The solid waste processing area consists of three parts: oily solids batch treatment/cone-bottom tank, the solids press and used oil container storage area. The solids processed by the Company are generated onsite as a result of used oil processing and industrial wastewater pretreatment. The clean soil and solids are mixed together to form a drier and more stable mixture. Samples are collected for required analysis. Upon approval the waste is loaded into trucks and shipped for disposal. Additional solids are generated as a result of the water pretreatment process. These solids are processed and dewatered by the use of a sludge press. Refer to Attachment 5.

Processed solids are shipped off site in dump trailers, roll off boxes or drums. The processed solids are shipped to facilities that are permitted as thermal treatment facilities (F.A.C. 62-775)

TABLE 3-1

STORAGE TANKS IN THE OIL PROCESSING PLANT

TANK NUMBER	DIAMETER INCHES	LENGTH INCHES	CAPACITY IN GALLONS	HORIZ/VERT	PRODUCT*
100	144	430	30,300	X	used oil treatment tank
101	144	409	28,800	X	used oil treatment tank
130	96	254	7,950	X	oil receiving
131	64	285	3,950	X	oil receiving
132	64	285	3,950	X	oil receiving
133	64	285	3,950	X	oil receiving
134	64	285	3,950	X	screened oil
135	96	192	6,000	X	light ends, condensate
136	120	205	10,000	X	light ends
137	120	216	10,570	X	burner fuel oil
170	125	210	11,150	X	used oil, water soluble oil, antifreeze or waste water

~~171-108 272 10,780 X used oil, water soluble oil, antifreeze or waste water~~

~~172-96 324 10,140 X used oil, water soluble oil, antifreeze or waste water~~

~~173-102 168 5,940 X untreated oil~~

Note: The above tanks are in containment area 1. Total storage tank capacity within containment area 1 = ~~147,430~~ 120,570 gallons. Containment area 1 holds ~~77,130~~ 73,360 gallons

120*	146-283 27,740 <u>124</u>	<u>374</u>	<u>19,450</u>	X	processed oil
121	144	422	29,730	X	processed oil
122	144	422	29,730	X	processed oil
123	144	422	29,730	X	processed oil
124	144	422	29,730	X	processed oil
125	114	435	19,210	X	processed oil
126	128	374	20,820	X	processed oil
127	126	361	19,470	X	processed oil
128	150-337 25,760 <u>125</u>	<u>374</u>	<u>19,850</u>	X	processed oil
129	126	435	23,460	X	processed oil

Note: * - Tank 120 was replaced. The above tanks are in containment area 2. Total storage tank capacity within containment area 2 = ~~255,380~~ 241,180 gallons. Containment area 2 holds ~~52,400~~ 61,000 gallons.

*Products stored in various tanks may change from time to time.

TABLE 3-2

INDUSTRIAL WASTEWATER TREATMENT PLANT TANKS

TANK NUMBER	DIAMETER INCHES	LENGTH INCHES	CAPACITY IN GALLONS	HORIZ/VERT	PRODUCT*
105	125	290	15,390	X	used oil
106	95	323	9,900	X	water soluble oil
140	239	156	30,280	X	sump receiving
141	155	239	19,510	X	sump receiving
142	155	239	19,510	X	oil water separator tanks
143	125	353	17,860	X	oil water separator tanks
144	125	374	19,850	X	oil water separator tanks
150 151	125	374	19,850	X	treated water
151 125 374 19,850 X treated water					
152	144	421	29,670	X	treated water
153	170	431	21,090	X	treated water
154	114	434	19,160	X	treated water
155	120	431	21,090	X	untreated water
160	125	284	15,070	X	untreated wastewater
161	125	284	15,070	X	untreated wastewater
162	126	284	15,320	X	untreated wastewater
163	126	284	15,320	X	untreated wastewater
164	126	371	20,000	X	untreated wastewater
165	120	368	18,000	X	untreated wastewater
180	251	285	61,020	X	untreated water

The above tanks are in containment area 3. Total storage tank capacity within containment area 3 = 422,810 402,960 gallons. Containment area 3 holds 125,000 gallons.

166	130	373	21,420	X	treated water
191	120	209	10,232	X	treatment tank
192	144	146	10,293	X	treatment tank

Note: The above tanks are in containment area 4. Total storage tank capacity within containment area 4 = 41,945 gallons. Containment area 4 holds 46,000 gallons.

*Products stored in various tanks may change from time to time.

CARLTON FIELDS

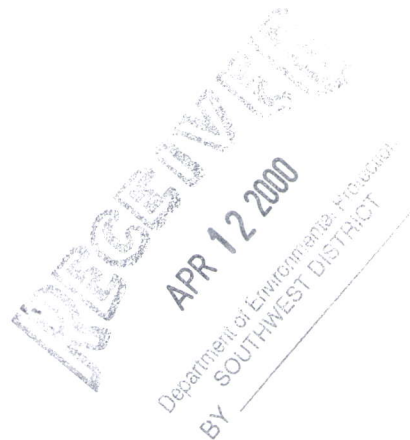
ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS:
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133

April 11, 2000

Mr. Bill Kutash
Administrator, Waste Management
Florida Dept. of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619



Re: Howco Used Oil Permit

Dear Bill:

As you may know, in connection with the facility upgrades, a number of changes were made in the Howco tanks/containment areas. Tank 150 was removed from the facility and other tanks were relocated within the containment areas. The containment area with tank 130-137 and 170 was upgraded and the drawings have been revised accordingly, along with changes to reflect revised building names, phone numbers, removal of gates, and other minor matters such as changed facility personal. Tables 3-1 and 3-2 and page 2-2 were revised accordingly. The drawing have been signed and sealed by our engineers, and should replace the prior copies in the permit application. Please call me if you have any questions.

Yours sincerely,

Laurel Lockett

LL:bl

Enclosures

cc: Mr. Tim Hagan (w/o enc)
Mr. Tim Rudolph (w/o enc)



FAX TRANSMISSION

To: Stanley Tam Date: 3-29-00

Company: DEP

Fax #: 813-744-6125 Pages: 2 including this cover sheet.

From: Tim Hagan
President/CEO

Subject: Waiver

COMMENTS:

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

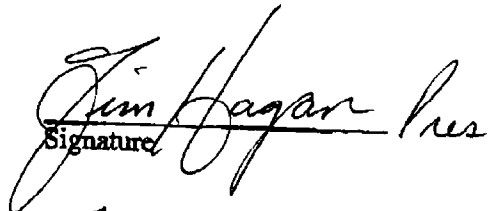
License (Permit, Certification) Application No.

Applicant's Name: HOWCO ENVIRONMENTAL SERVICES

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 15 day of April, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature
Tim HAGAN
Name (Please Type or Print)

CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS:
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133

March 2, 2000

RECEIVED
MAR 03 2000

Department of Environmental Protection
SOUTHWEST DISTRICT
BY _____

Bill Kutash
Administrator, Waste Management
Florida Dept. of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

Re: Howco Used Oil Permit/Summary of Modifications Discussed on February 25,
2000

Dear Bill:

The following summarizes the changes we discussed during our conference call last Friday. For your convenience, I have attached a redline copy of the document on which I have noted the areas of our comments. The numbered comments below correspond to the numbers appearing in the left margin of the redlined permit.

1. Reinsert last sentence of first paragraph of "Used Oil Activities." As we discussed, the sentence clarifies that Part II covers used oil/oil wastes while Part IV covers non-used oil solid wastes.
2. Add as new General Requirement Section 1(d) of Part I or Specific Conditions:
 - "d. The following modifications to the general conditions are hereby incorporated:
 - (1) Nothing contained in General Condition 10 shall be deemed to waive any right permittee has under Florida Statutes of Department rules to oppose application of any such changes to the facility if permittee is otherwise legally entitled to do so.
 - (2) Any records that permittee is required to maintain at the permittee's facility under this permit may be maintained at permittee's corporate offices located at 3701 Central Avenue, St. Petersburg, Florida.

- (3) General Conditions 16 and 17 do not apply to permittee's facility.
 - (4) In General Condition 7, the Department acknowledges that "reasonable time" may also depend on the availability of permittee's management, which are physically located at permittee's corporate offices."
3. Insert at the end of Part II.1 "or applicable Florida law."
4. This appears to be an appropriate area to insert the text relating to blending in of BTU containing liquids into the fuel. Therefore, in addition to the edits regarding missing text given to you during our call, we suggest that the deleted text at the bottom of Part II.3 with the following:
- "introducing virgin products or non-hazardous liquids containing BTU value (such as non-hazardous sludges, inks, and greases) into the process prior to analysis pursuant to Specific Condition II.8, below."
5. In Part III.4, we do not feel that it is appropriate to replace the deleted text which conforms to the language in 62-710. This is the approach we agreed to in the Consent Order. I note that we were assured last January that the Department was going to revise 62-710 to address this inconsistency, but such revisions were not, in fact, completed. The performance standards in effect are those referenced in repealed 61-762 as the law currently standards.
6. Replace all of Special Condition III.6. with the following text which captures the Department's agreement (in the CO) as to what is required to meet secondary containment requirements in various areas of the facility. This was trimmed out of the previously deleted text:
- a. "The permittee shall provide adequate secondary containment that shall be impervious to the types of pollutant stored in the tanks and contain at least 110 percent of the volume of the largest tank in accordance with 62-761.500, FAC. Permittee meet the standards specified in 40 CFR 279 and Chapters 62-710 (including referenced sections of 62-762) and 62-761, FAC, to upgrade the secondary containment for the Facility container storage areas, storage tank farms and associated underground piping:
 - (1) The pad, collector channel and sump system described in the permit application shall be deemed to meet the secondary containment requirement provided certification is provided

pursuant to Specific Condition III.6.c, below, that all of the following requirements are met:

- (a) the portions of the pad, collector channel and sump that are designated as part of the containment system identified in Drawing D-8-1 of the permit application as the "Used Oil Container Storage Area." The entire designated area drains only into the collector channel and sump, and
- (b) the only substances other than stormwater that are routinely managed in the collector channel and sump are wastewater generated from the truck wash and sludge filter press, and upon generation the wastewater is immediately and continuously pumped from the collector channel and sump to the designated tank in the wastewater treatment plant containment area, and
- (c) the pad, collector channel and sump are certified to be sufficiently impervious to used oil to prevent any used oil released onto the pad and into the collector channel and sump from migrating to the soil, groundwater, or surface water, and
- (d) the underground piping from the sump to the storage tank is pressure tested in accordance with API RP 1110, or equivalent method, annually (by June 16 of each year) unless the piping is replaced with double-walled piping that is monitored monthly for leak detection, or unless the piping is closed in accordance with the requirements of 62-761.800, FAC. If the piping is determined to be leaking or in need of repair, it shall be repaired in accordance with the requirements of Rule 62-761.700, FAC, or replaced with double-walled piping that is monitored monthly for leak detection.
- (e) The Department and permittee agree that the "Used Oil Container Storage Area" will satisfy the requirements of secondary containment for used oil container storage if the provisions of Specific Condition III.6.a(1) through (4) are implemented, but will not meet the secondary containment requirements for used oil storage tanks.

- (2) Containment area #2 shall be deemed to be "impervious" if they are constructed of or coated with a material that is compatible with the stored substance and that has a permeability rate to the substance stored of 1×10^{-7} cm/sec or less; or for concrete structures, a material that meets the design and construction standards of ACI 350R-89 and ACI 224R-89; or is applied to the concrete in accordance with NACE International Standard RP0892-92.
- (3) All upgrades specified in Specific Condition III.6.a(1)-(5) shall meet the applicable standards of 40 CFR 279 and Chapters 62-710 (including the referenced sections of 62-762) and 62-761, FAC Permittee shall provide certification by a Professional Engineer of all engineering aspects applicable to each task as listed on the Department's "Application Form for a Used Oil Processing Permit," DEP Form #62-710.901(d).
- b. The Department acknowledges that permittee's implementation of the facility upgrades in accordance with the terms of Specific Condition III.6.c. satisfies the facility improvements necessary to meet the current State requirements for secondary containment applicable to permittee as of the effective date of this permit."
- 7. Delete Special Condition III.7. which references the Consent Order. We understand that the order is valid and in force, but do not want any references to it in the permit.
- 8. In Section IV.1.a.(12), we ask that you reconsider reinsertion of the text "or other absorbent materials which may change the physical characteristics (e.g. solid/liquid state)" noting that this phrase is further modified by the requirement that they "are purchased specifically for solidification purposes." Our intent there, and I believe staff previously agreed with this, was that if other commercially-available products for solidification became available, we would be able to use these without modification of the permit.
- 9. Correct spelling of de minimis.
- 10. Add the following text at the end of subparagraph 1.e. "provided, however, the provisions of this subsection do not apply to such materials that may be lawfully accepted pursuant to Part II of this permit and applicable law."

11. In subparagraph 3.d., we ask that you re-evaluate the applicability of these provisions in light of the fact that: (i) these tanks are used oil processing tanks; (ii) they may contain only de minimis amounts of non-UO petroleum products; and (iii) they are already subject to all of the secondary containment and tank provisions set forth elsewhere in the permit. We believe the entire section should be deleted in accordance with the technical comments provided by our engineer, Tim Rudolph. If there are any further questions regarding the applicability of specific subsections, I ask that you call Mr. Rudolph directly. We firmly believe that the Department is provided reasonable assurances given the other provisions of the permit and used oil regs which specifically govern the operation of the processing tanks.
12. Delete last sentence subparagraph 4.c.
13. In subparagraph 4.c.(4), insert the deleted language (which relates to materials permitted to be accepted by the facility pursuant to the Consent Order) into either section 1.b.(2) or 1.b.(6).

Also correct various typos as noted on attached sheets.

14. Delete requirements for annual certification. In Subsection f., we ask that you re-evaluate the deleted text which refers back to Attachments 4 and 5 of the permit application. Further, Mr. Rudolph had requested a clarification noting that the generator is not required to have an approved CompQAP to pull a sample from its own waste stream for the purposes of any analysis.
15. In Subsection 6.a., we requested that you replace the word "material" in the first line with "solid waste." As we noted, there are many other "materials" in use or otherwise stored at the facility which are not subject to this limitation, such as the used oil/oily wastes, the chemicals in use at the wastewater treatment plant, and other virgin petroleum product blended into the used oil.
16. In subparagraph 7.d., we asked for similar clarification replacing the phrase "processed materials" with the phrase "processed waste" and the phrase "processed solids" with "processed solid waste."
17. In subparagraph 7.h., assuming the modification previously requested regarding the two oily waste processing tanks is made, the beginning clause of the paragraph will need to be deleted.
18. Subsection 9.a.(6). This section should be deleted. As it was noted, a Department approved quality assurance plan is not required for a generator's sampling of its

Bill Kutash
March 2, 2000
Page 6

own wastes. In addition, it was agreed that Howco would not be required to obtain a copy of the QAP approval for any laboratory or other independent agency performing sampling at a generator's facility. These are requirements that the Department may deem to be required of the generator, but they are not appropriate for Howco's permit.

19. In subsection 13.b., we ask that your inserted text be qualified by the word "reportable." In other words, Howco acknowledges that it has certain reporting obligations but is not agreeing to report discharges or incidents not otherwise reportable under Department rules and regulations.
20. In Section VII.5, we had extensive discussion regarding the closure of tanks versus other portions of the facility. We suggest that the paragraph be modified as followed.

"The permittee shall close the facility by implementing the closure plan contained in Attachment 10 of the permit application. Tanks and containers and containment areas will be closed in accordance with 62-761, FAC."

Delete the balance of the first paragraph as well as paragraphs a. and b.

Paragraph c. is applicable, but perhaps should appear as separate numbered paragraph (i.e., new Section VIII. 6.).

21. We suggest paragraph 10 start with your inserted text followed by the following sentence "In the event that facility closure occurs prior to state-implemented cleanup under the Petroleum Cleanup Participation Program, nothing herein shall be deemed to require permittee to conduct remediation activities covered by the Program."

Yours sincerely,



Laurel Lockett

LL:bl
Enclosures



FAX TRANSMISSION

To: Stanley Sam Date: 1/18/00
Company: DDP

Fax #: 813-744-6125 Pages: 2 including this cover sheet.

From: Tim Hagan
President/CEO

Subject: _____

COMMENTS:

Howco will sample every batch of finished product to be sold for on-spec fuel for three (3) months or a minimum of 30 samples, but no more than 40 samples. Each sample will be analyzed by Howco, or an independent laboratory, for all constituents and properties listed in 40 CFR 279.11, Table 1. If Howco elects to perform the sampling in its internal laboratory for any parameter(s), then at least 10% of the samples are to be "split" with one portion to be analyzed by Howco and one portion to be analyzed by an independent laboratory. The Department acknowledges that at present Howco does not have the capability to analyze for arsenic or PCB in its internal laboratory. Howco shall submit to the Department the raw analytical data from the sampling period and a statistical analysis of the data for review.

At completion of the sampling period, for all parameters for which there have been no exceedances of the Table 1 specifications, Howco may reduce the sampling and analysis frequency to a random sample collected and analyzed once per month as previously proposed. If any parameter(s) in any sample(s) exceed the Table 1 criteria, then Howco will submit a statistical analysis of the data for such parameter(s) together with a sampling plan for future analysis of such parameter(s) to the Department within thirty (30) days of the expiration of the 30 day period.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	3804 Coconut Palm Drive Tampa, FL 33619-8318
---	---

FAX

Date: 2/25/00
Number of pages including cover sheet: 2

To: Stanley Lem
Tim Hagan
Howco Env. Services

Phone: _____
Fax phone: (727) 323-2249
CC: _____

From: Tim Hagan
Stanley Lem

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

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

Please make a copy of the waiver form for future use.
Please fill in the entire form in ink.

FILE! 3-C
2/2/00

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

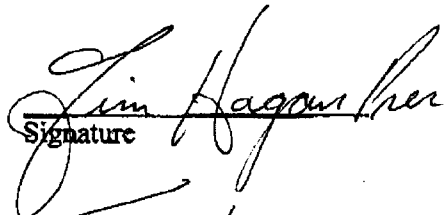
License (Permit, Certification) Application No.

Applicant's Name: Howco Environmental Services

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 31ST day of MARCH, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature
Tim HAGAN
Name (Please Type or Print)



FAX TRANSMISSION

To: Stanley, Sam Date: 2/11/00
Company: DDP

Fax #: 813-744-6125 Pages: 2 including this cover sheet.

From: Tim Hagan
President/CEO

Subject: _____

COMMENTS:

**WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES**

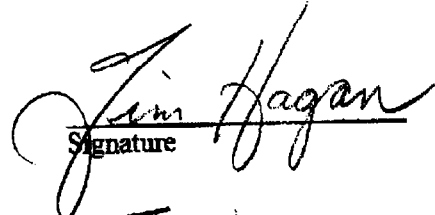
License (Permit, Certification) Application No.

Applicant's Name:

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 29 day of February, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature
Tim Hagan
Name (Please Type or Print)

CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS:
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133

February 9, 2000

Mr. Bill Kutash
Administrator, Waste Management
Florida Dept. of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

Re: Howco Used Oil Permit

Dear Bill:

I wanted to follow-up with you again regarding the generator's "sampling requirements" with respect to non-oily wastes that are accepted by the facility. Upon further reflection, I am concerned that we put in the permit "requirement" for a generator's basis of determination. I think it is fair for the Department to put Howco on notice of its position, as you have done. However, I am reluctant to agree to provisions in the permit which would purport to define for our customers (i.e., the generators) what they are required to provide as a basis of their claim of knowledge. In essence, we would be agreeing in our permit a requirement on the generator which the law does not otherwise place upon them. The way the regulations are structured, the generator is entitled to make its own determination considering the factors it deems appropriate, and is entitled to bear the risk if that judgment is faulty.

If the same requirement has been included in other solid waste facility permits in the district and statewide, of course, we would like to review that language and would be willing to evaluate proposed permit language. It would not appear prudent, however, to accept a permit condition not otherwise applied to our "competition."

I have also enclosed revised pages 4-3 and 4-5 of the permit, as we discussed during the meeting.

FILE : 3-C

25/00

TPA#1602067.00 CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P.A.

TAMPA ORLANDO PENSACOLA TALLAHASSEE WEST PALM BEACH ST. PETERSBURG MIAMI

Mr. Bill Kutash
February 9, 2000
Page 2

Please call me with your thoughts.

Yours sincerely,



Laurel Lockett

LL:bl

Enclosures

cc: Mr. Tim Hagan
Mr. Tim Rudolph

● Department of ●
Environmental Protection

D.E.P.
FEB 07 2000
Southwest District Tampa

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) AND 403.0876, FLORIDA STATUTES

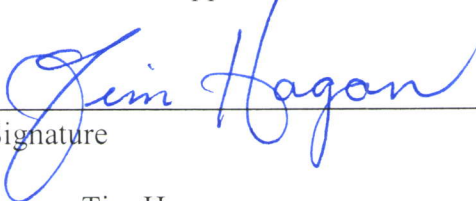
License (Permit, Certification) Application No. I.D. Number FLD 152 764 767;
Permit No. 92465-HO06-001

Applicant's Name: Howco Environmental Services, Inc.

With regard to the above-referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.9876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 11th day of February, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature
Tim Hagan
Name (Please Type or Print)

FILE : 3-C

23/00

CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133

FAX COVER SHEET

Date: February 3, 2000	Phone Number	Fax Number
To: Stanley Tam	(813) 744-6100, X 390	(813) 744-8198
From: Laurel Lockett/Tim Hagan	(813) 223-7000	(813) 229-4133

Client/Matter No.: 378/31028/59598

Total Number of Pages Being Transmitted, Including Cover Sheet: 2

Message: Re: Howco Environmental Services, Inc.

Waiver of 90 Day Time Limit is attached.

☒ Original to follow Via Regular Mail ☐ Original will Not be Sent ☐ Original will follow Via Federal Express

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF THERE ARE ANY PROBLEMS OR COMPLICATIONS, PLEASE NOTIFY US IMMEDIATELY AT:
(813) 223-7000

TELECOPIER OPERATOR: _____

February 3, 2000

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P.A.

TAMPA ORLANDO PENSACOLA TALLAHASSEE WEST PALM BEACH ST. PETERSBURG MIAMI

File : 3-C
23/00

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) AND 403.0876, FLORIDA STATUTES

License (Permit, Certification) Application No. I.D. Number FLD 152 764 767:
Permit No. 92465-HO06-001

Applicant's Name: Howco Environmental Services, Inc.

With regard to the above-referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.9876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 11th day of February, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature

Tim Hagan

Name (Please Type or Print)



D.E.P.
JAN 24 2000
Southwest District Tampa

January 20, 2000

Mr. Stanley Tam
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8318

Dear Mr. Tam:

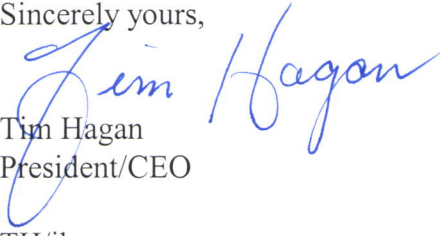
Please find enclosed the "Waiver of Time Limit" form.

I have left a couple of messages for Susan Peltz to set up a meeting to clarify some of the requirements in the solid waste section of the Used Oil Permit draft. We would like to do this as soon as possible so that we can finalize HOWCO's permit.

Also, did you receive my fax with the proposed language? If so, please give me a call so we may discuss this matter.

Should you have any further questions, please do not hesitate to contact me.

Sincerely yours,


Tim Hagan
President/CEO
TH/jh

WAIVER OF 90 DAY TIME LIMIT
UNDER SECTIONS 120.60(2) and 403.0876, FLORIDA STATUTES

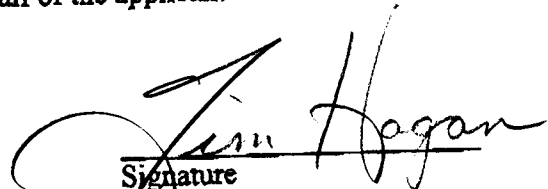

License (Permit, Certification) Application No.

Applicant's Name:

With regard to the above referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(2) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the Fourth day of February, 2000.

The undersigned is authorized to make this waiver on behalf of the applicant.


Signature

Name (Please Type or Print)

FAX

Date 12/22/99

2⁰⁰ pm

Number of pages including cover sheet 27

TO: TIM HAGAN

HOWCO
ENVIRONMENTAL
SERVICES

Phone

Fax Phone (727) 323-2249

FROM: AL GEPHART
FLORIDA DEPARTMENT
OF ENVIRONMENTAL
PROTECTION
3804 COCONUT PALM
DRIVE
TAMPA, FL 33619-8318

Phone (813) 744-6100, EXT. 372

Fax Phone (813) 744-6125

CC:

REMARKS: ☐ Urgent ☒ For your review ☐ Reply ASAP ☐ Please Comment

ATTACHED IS A DRAFT VERSION OF THE PROPOSED USED OIL AND MATERIAL PROCESSING PERMIT.

AS DISCUSSED, **PLEASE NOTE** THAT ISSUES REMAIN THAT ARE NOT ADDRESSED IN THIS DRAFT VERSION AND, THEREFORE, THIS VERSION OF **THE DRAFT PERMIT IS NOT COMPLETE AT THIS TIME.**



File 3-C
21/99

** Transmit Conf. Report **

P.1

Dec 22 1999 14:06

Telephone Number	Mode	Start	Time	Pages	Result	Note
97273232249	NORMAL	22,13:53	12'28"	27	* 0 K	

ATTACHED IS A DRAFT VERSION OF THE PROPOSED USED OIL AND MATERIAL
 PROCESSING PERMIT.
 AS DISCUSSED, PLEASE NOTE THAT ISSUES REMAIN THAT ARE NOT ADDRESSED IN
 THIS DRAFT VERSION AND, THEREFORE, THIS VERSION OF THE DRAFT PERMIT IS
 NOT COMPLETE AT THIS TIME.

REMARKS: ☐ Urgent ☒ For your review ☐ Reply ASAP ☐ Please Comment

CC:

Phone

 ENVIRONMENTAL
 SERVICES

Fax Phone (727) 323-2249

PRODUCTION

 3804 COCONUT PALM
 DRIVE

TAMPA, FL 33619-8918

Phone

(813) 744-6100, EXT. 372

Fax Phone (813) 744-6125

CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

MAILING ADDRESS:
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133

U.L.T.
DEC 11 1999
Southwest District Tampa

December 9, 1999

Mr. Bill Kutash, Administrator
Waste Management
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

Via Facsimile No. (813) 744-6125

Re: Howco Used Oil Permit/Sampling and Analysis of Outgoing Oil

Dear Bill:

Thank you for taking the time to speak with me last week regarding the Sampling and Analysis Plan for outgoing oil at Howco. I understand that this is the only remaining issue in connection with issuance of Howco's UO permit. As I indicated, Howco is willing to make our expert and engineer available for a conference call or meeting to discuss the issues in the hope of arriving at some resolution of the matter.

In July of this year, we obtained from Rick Neves of FDEP's Tallahassee office, copies of all of the UO permit applications for the UO processing facilities statewide. At that time, all of the permits had issued with the exception of the two pending in the SW District (Howco and A&S Oil). In addition, we spoke with operators of a number of UO facilities around the state. Consistent with the language of 279 and EPA guidance on the development of Sampling Plans under 279 described in the preamble to the EPA final rule, a review of those materials showed no consistent pattern or implicit Department "policy" on the matter. In fact, no two applicant/permittees had the same sampling, parameter list, analysis plan or procedures.

From the materials we were provided, a number of permittees said virtually nothing about their sampling plans for outgoing oil. Several facilities test some parameters in-house on every batch, and test other parameters off-site less frequently or provide no information on sampling of certain parameters. For example, according to the materials we obtained, IWS tests halogens, cadmium, lead, and chromium off-site; while TOH and flash point are tested on-site by batch and PCBs are tested off-site only quarterly. Envirotech Southeast, Inc. only tests for certain metals,

Bill Kutash
December 9, 1999
Page 2

flash and halogens on each batch, and did not specify test procedures for other parameters. Some facilities only test outgoing oil monthly (Pensacola Pollution Control, Perma-Fix); while others test every batch -- some via in-house (non-certified) laboratory; others by outside laboratory. One facility has a 200,000 gallon tank, and tests it only for metals and total halogen when full (which we understand is likely to be less frequently than once per month).

In any case, based on the materials we were provided by the Department, no application filed with the Department (other than Howco's) provided any significant prior test or analytical data relating to outgoing oil, or any justification to support any sampling plan provided or approved by the Department, and there was no guidance or policy from the Department as to a reasoned basis for determining an "appropriate" rate of sampling.

As the EPA Region IV used oil representative we spoke with noted -- sampling every batch is not a "sampling plan" under the regulations, it is a "protocol." This was not intended by EPA, as evidenced by the clear language of the regulations and the explanatory preamble to the rule. Instead, the processor is given the right to make certain assumptions about the character of its product, and bears the risks if wrong. Requiring sampling of every batch of outgoing product would be analogous to requiring a generator to test every shipment of waste before "declaring" it to be non-hazardous. The used oil regulations (or the hazardous waste regulations) require such testing as a matter of policy.

Of course, the Department retains the right to sample any outgoing load at any time -- and if any product does not meet the requirements for on-specification oil, Howco could be found to be in violation by the Department. That is the risk any processor assumes by not testing every load for every parameter. Of course, once a large amount of data has been collected (e.g., in the case of Howco, 20 years of knowledge of customer base and fuel product characteristics, as well as the certified lab data provided to the Department), the risk, presumably, is less.

In the interest of resolution of this matter, Howco has suggested that it would be willing to test for the full spectrum of Table I parameters on a random basis twice per month over the life of the permit. This is twice the frequency recommended by our experts, and, although we believe it is not required or warranted technically, Howco is willing to agree to this sampling frequency in order to get the matter resolved.

In any case, as we discussed, we would prefer to have an opportunity to have our respective statisticians and engineers meet or caucus by phone to try to find a reasoned basis of resolution of this issue and to have a chance to review and comment on any proposed draft

Bill Kutash
December 9, 1999
Page 3

permit language prior to issuance of a notice of intent. If you need an extension from us in order to accommodate further discussion prior to issuance of the notice of intent, please let me know.

Yours sincerely,



Laurel Lockett

LL:bl

cc: Mr. Tim Hagan
Mr. Tim Rudolph



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

Mr. Tim Hagan, President
HOWCO Environmental Services
3701 Central Ave
St. Petersburg, Fl. 33713

December 6, 1999

RE: HOWCO Solid Waste Processing Facility Financial Assurance Cost Estimates
Pending Permit No.: 92465-HO06-001, Pinellas County

Dear Mr. Hagan:

This letter is to notify you that the Department has entered into a Financial Assurance Agreement ("Agreement") with Pinellas County. The Agreement was executed by the Secretary of the Department on March 3, 1998. The Agreement eliminates the need for duplicate financial instruments for compliance with the financial assurance requirements of Rules 62-701.700 and 62-701.630, Florida Administrative Code, and Section 106-159, Pinellas County Code. A copy of the Agreement is available upon request.

Please submit documentation which demonstrates that the financial assurance mechanism has been established and adequately funded directly to Pinellas County. The 1999-approved closing cost estimate is \$58,760 (see letter dated November 29, 1999 sent under separate cover). Please contact Ms. Deb Bush at (727) 464-7565 to obtain the required forms. If you have any questions, you may contact me at (813) 744-6100 x 386, or Deb Bush at (813) 464-7565.

Sincerely,

Susan J. Pelz, P.E.
Solid Waste Section
Southwest District

sjp

cc: Timothy Rudolph, P.E., Environeering, Inc., 109 Azalea Point Drive South,
Ponte Vedra Beach, Fl. 32082
Deb Bush, Pinellas County Solid Waste, 3095 114th Ave North, St. Petersburg, Fl. 33716
Fred Wick, FDEP, Tallahassee
Robert Butera, P.E., FDEP Tampa
Roger Evans, FDEP Tampa-RCRA

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

Printed on recycled paper.

File 3-c
19/99



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

Mr. Tim Hagan, President
HOWCO Environmental Services
3701 Central Ave
St. Petersburg, Fl. 33713

November 29, 1999

RE: HOWCO Solid Waste Processing Facility Financial Assurance Cost Estimates
Pending Permit No.: 92465-HO06-001, Pinellas County

Dear Mr. Hagan:

This letter is to acknowledge receipt of the cost estimates dated October 25, 1999 (received October 27, 1999), for closure of the HOWCO Solid Waste processing Facility. The cost estimates received October 27, 1999 (\$58,760 total closing), are **APPROVED for 1999**. The next annual update is due no later than October 27, 2000.

A copy of these approved estimates will be forwarded to Mr. Fred Wick, Solid Waste Section, FDEP, 2600 Blair Stone Road, Tallahassee, Florida 32399-2407. Please work with him directly to assess the facility's compliance with the funding mechanism requirements of Rule 62-701.630, F.A.C. If you have any questions, you may contact me at (813) 744-6100 ext. 386.

Sincerely,

Susan J. Pelz, P.E.
Solid Waste Section
Southwest District

sjp

cc: Timothy Rudolph, P.E., Environeering, Inc., 109 Azalea Point Drive South,
Ponte Vedra Beach, Fl. 32082
Deb Bush, Pinellas County Solid Waste, 3095 114th Ave North, St. Petersburg, Fl. 33716
Fred Wick, FDEP, Tallahassee, w/attachment
Robert Butera, P.E., FDEP Tampa
Roger Evans, FDEP Tampa-RCRA



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

November 19, 1999

Laurel Lockett
Carlton Fields
P.O. Box 3239
Tampa, Florida 33602-3239

NOV 24 1999
D.E.P.
Southwest District Tampa

RE: HOWCO Environmental Services

Dear Laurel:

I have received a draft analysis, prepared by staff from the Southwest District Office, of HOWCO's May 7 data submittal. As we discussed in our teleconference on October 6, I have given this draft, along with HOWCO's data and statistical analysis, to our Quality Assurance section for a review. A gentleman named Carlos Boueres ended up doing the review, and he informed me today that he agrees with the District's draft analysis. I have not received any written material from Mr. Boueres, but I am enclosing the District's draft analysis so that you will have a clearer picture of why we believe HOWCO's data is inadequate. I have been informed that essentially this same analysis was provided orally at a meeting between our clients in March of this year.

Your May 7 submittal included an assertion that "the future sampling of one used oil tank per month will provide sufficient documentation to substantiate the on specification used oil waste determination." In the sixth NOD issued June 10, the Department again requested that HOWCO submit a detailed Sampling and Analysis Plan, and noted that the data submitted does not demonstrate that monthly sampling would be adequate. In your October 27 response to the sixth NOD, you noted that you were awaiting a review of the May 7 submittal by Tallahassee staff, and would provide a separate letter outlining additional thoughts on the sampling plan.

The District analysis is pretty detailed, and no one expects an immediate and thorough response from you. However, the District would like to move forward on the permit application expeditiously, and I am therefore asking you to let me or Stanley Tam know by December 3 how you would like to proceed. Since the sampling and analysis of outgoing product is the only significant unresolved issue with the permit application, it appears that you have two options. You could agree to provide a detailed Sampling and Analysis Plan as requested in the sixth NOD within a time certain. You could also decline to provide additional information and request that the Department proceed to process the permit application based upon the May 7 and October 27 responses. The Department is prepared to declare the application complete once we are notified of your position on this issue.

On a related note, I spoke with Stanley about the warning letter associated with the sixth NOD. He assured me that the resolution of any alleged violation, including the paying of a penalty, is considered a separate matter from the permit application, and that failure to resolve those issues will not stand in the way of taking action on the permit application.

Finally, a caveat. The staff of the Southwest District has the authority to make decisions and take action on your permit application, not me. This letter is intended simply as an aid in facilitating a productive interaction between your client and mine, and should not be read as including ultimatums or requiring any actions on your part outside of what is provided by law. I hope it has been helpful, and I look forward to continuing discussions on these matters. Please feel free to e-mail me at chris.mcguire@dep.state.fl.us or call me at (850) 921-9627 if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris McGuire".

Chris McGuire
Senior Assistant General Counsel

Cc: Stanley Tam, SW District

D R A F T

HOWCO ENVIRONMENTAL SERVICES

STATISTICAL ANALYSIS TO DEMONSTRATE ON-SPEC USED OIL FUEL

BACKGROUND:

An October, 1996 compliance inspection report states that the Certificates of Analysis issued by HOWCO were not based on a discrete analysis of every batch. The report states that, "If HOWCO does not wish to analyse a representative sample of each batch, then they should propose a sampling plan with statistical data to support reporting the lead concentration as <X ppm, with a specified percentage certainty."

HOWCO elected to provide analytical data of its processed oil as the information to make its on-specification used oil fuel determination (40 CFR 279.72). Based on the many sources of used oil accepted at the HOWCO facility, the Department believes that sampling and analytical data is appropriate to demonstrate generator knowledge. However, HOWCO must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of 40 CFR 279.55(b)(2).

In numerous meetings and teleconferences, HOWCO representatives were told to submit a Sampling and Analysis Plan to the Department. The HOWCO Sampling & Analysis Plan has been deficient in demonstrating generator knowledge as far back as the September 25, 1997, application submittal. HOWCO has done nothing to correct this deficiency. On May 7, 1999, HOWCO submitted its Sampling & Analysis Plan. The submittal was not a sampling and analysis plan but merely a report of historical data in tabular form. The submittal contained only twenty (20) laboratory analytical reports and no chain of custody forms for any of the processed oil data provided. The submittal was also deficient of any supporting documentation on a sampling plan or quality assurance plan (e.g. replicate analyses, matrix spikes, analytical methods used, detection limits, etc.). At a minimum, the Plan must specify the sampling method used to obtain representative samples to be analyzed, the frequency of sampling, the laboratory performing the analyses, the methods used and the type of information used to make the on-specification used oil determination.

The Department does not accept the historic data submittals as meeting the requirements to demonstrate on-spec used oil fuel based on "generator knowledge". Before the Department can accept a statistical analysis demonstrating Howco's processed oil is on-spec, all data forming the bases for the study must be provided for review and validation. Analytical data generated by a scientifically defective sampling plan has limited utility. HOWCO has the burden of responsibility to develop a technically sound sampling plan.

D R A F T

DEFICIENCIES:

The qualitative and quantitative requirements that data must achieve to be acceptable for use in demonstrating product knowledge to the Department were not provided. 62-160 F.A.C. applies to all programs, projects, studies or activities which involve submission of environmental data or reports to the Department. The requirements pertain to the quality of the data in terms of precision, accuracy, completeness, representativeness and comparability, as well as non-measurable qualifiers, such as legally defensible data.

Under Category 1A (no oversight is provided by any State or Federal agency) records shall be maintained pursuant to section 62-160.600 F.A.C. The records required include laboratory and matrix spikes, replicate sample analyses, quality control samples and standards, calibration standards and method detection limits. As stated in 62-160 F.A.C. Part III, the requirements for sampling and analysis activities shall apply to used oil as defined in Chapter 62-710 F.A.C.

In the first data submittal [HOWCO Environmental Services, Statistical data analysis of Processed Oil (dated 06/02/98)], the Department noted these additional deficiencies:

- There were approximately 134 batches in 1996 of which only 9 were sampled;
- In 1997, out of approximately 107 batches, only 8 were sampled for Arsenic;
- In the 1996, 1997 data submittal, 27 batches were not on the data sheet.
- Quality assurance documentation was not provided to the Department.

FDEP concluded that the first data submittal was deficient in documenting both sampling and analytical protocols.

Similarly, despite the Department's request for a Sampling & Analysis Plan, the "Statistical Analysis" dated May 7, 1999, submitted by HOWCO does not describe How/What/When the sampling or analyses were performed. The historical data submitted on May 7, 1999, consisted of 79 discrete samples from processed oil batches (tanks) representing facility operations from 10/21/98 to 4/15/99. Upon review of the submittal, the Department noted these additional deficiencies:

- There were no data for batch #1198 (01/27/99) and no explanation was given;
- Data from batch #1155 was not considered because it was a composite sample;
- Three sets of data from analyzing the Feed tank (Tank-137) were not considered because this oil is not shipped off-site;
- Metals analyses of batches #1151, 1152, 1153, 1154, 1156, 1161, 1162, and 1166 were not considered because they were stated as "less than values" an order of magnitude higher than typical detection limits;

D R A F T

- Sampling occurred on only 49 days out of the 177 day period (28%);
- Samples were analyzed for Lead on only 24 of the 49 days (49%) or 14% of the 177 days;
- Samples were analyzed for Chromium on only 24 of the 49 days (49%) or 14% of the 177 days;
- Samples were analyzed for Cadmium on only 24 of the 49 days (49%) or 14% of the 177 days;
- Samples were analyzed for Arsenic on only 21 of the 49 days (43%) or 12% of the 177 days;
- Samples were analyzed for PCB on only 23 of the 50 days (46%) or 13% of the 177 days;
- Of the 79 batches (tanks) only 30% were analyzed for Pb (Values stated as <100 ppm were not considered in this percentage); 30% were analyzed for Cr (Values stated as <5 were not considered in this percentage); 30% were analyzed for Cd; 28% were analyzed for As, 28% were analyzed for PCBs, and 29% were analyzed for Flash Point (Values stated as >100 or >140 were not considered in this percentage);
- No explanation was given as to why chrome and cadmium were detected in the three (3) fuel (Feed) samples from tank #137 and also in the batches that appear were put in feed tank #137 (batches #1158A, #1157 and #1159) but chrome and cadmium were not detected in any other of the batches analyzed;
- No procedure was provided for determining which batches were submitted to outside laboratories for analyses;
- HOWCO did not provide analytical sheets or logs of its "in-house" analytical results;
- In general, HOWCO does not provide the date the sample was taken in the sample identification. Documentation was not provided as to when the samples were actually taken;
- It appears that the FEED sample of 3/3/99 was comprised of batches 1216 and 1217. However, Precision Petroleum Laboratories arsenic analyses of batches 1216 and 1217 were both below detection (0.1 ppm). The result of the US Biosystems arsenic analysis was 2.3 ppm. This appears to be inconsistent. In addition, the US Biosystems chain of custody form (log #3436) could not be read to verify the samples delivered;
- The data sheet lists batch #1155, tank 128, but does not indicate that this is a monthly composite sample that was analyzed for PCBs, the data sheet is for processed oil analyses yet the analytical report indicates that it is a weekly water sample and the data sheet leads you to believe Sanders Labs performed all of the analyses when in fact they analyzed for only PCBs;
- Batch #1172, dated 12/04/98 in the table of data submitted, was received by Precision Petroleum Labs, Inc. on 12-1-98. How could the lab receive the sample 3 days prior to the sampling event ?

D R A F T

- Batch #1174, dated 12/02/98 in the table submitted states the lead concentration as 13.41 ppm. The analytical sheet from the lab states 19.41 ppm;
- It appears that the FEED sample of 1/20/99 was comprised of batches 1189 and 1190. However, there are no metals analyses of batch 1190 to indicate why the metals concentrations in the feed sample are higher than those noted in batch 1189;
- The tabular data submitted states that batch #1203 was sampled on 2/4/99 and leads you to believe it is a discrete sample. The analytical sheet from the lab indicates that this was a weekly sample (2/8 – 2/12). How was the sample taken 4-8 days before the week of 2/8 – 2/12 ?
- The tabular data submitted states that batch #1207 was sampled on 2/11/99 and leads you to believe it is a discrete sample. The analytical sheet from the lab indicates that this is a weekly sample (2/15 – 2/19).). How was the sample taken 4-8 days before the week of 2/15 – 2/19 ? Also, the halogen concentration was given as 621.8 ppm by the lab but it was stated in the tabular data as 621.5 ppm;
- The sample identification on the lab sheet for batch #1212 provides no information on when the sample was taken;
- For batch #1216, the halogen concentration was given as 865.9 ppm by the lab but it was stated in the tabular data as 865.1 ppm.

FDEP concluded that the second data submittal was deficient in documenting both sampling and analytical protocols.

CONCLUSION:

HOWCO has not provided sufficient information to change the Department's position that every batch (tank) is to be analyzed to determine if it is on-spec used oil fuel. This position is consistent with the other FDEP Districts in the State.

CARLTON FIELDS

ATTORNEYS AT LAW

ONE HARBOUR PLACE
777 S. HARBOUR ISLAND BOULEVARD
TAMPA, FLORIDA 33602-5799

November 1, 1999

RECEIVED
NOV 02 1999
Department of Environmental Protection
MAILING ADDRESS:
P.O. BOX 3239, TAMPA, FL 33601-3239
TEL (813) 223-7000 FAX (813) 229-4133
SOUTHWEST DISTRICT

Mr. Stanley Tam
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619-6100

Via Facsimile No. (813) 744-8198

Chris McGuire, Esq.
Florida Department of Environmental Protection
Office of General Counsel
2600 Blair Stone Road
Tallahassee, Florida 32301

Via Facsimile No. (850) 921-3000

Re: Howco Environmental Services UO Permit/Sampling & Analysis Plan for On-Spec Oil Determination

Dear Stanley and Chris:

This letter is to recap in one writing, the various discussions Howco staff, Tim Rudolph, and I have had with the Department staff (including Rick Neves of the Tallahassee office) regarding the Sampling Plan submitted on Howco's behalf. At the outset, despite years of testing in-house, by certified labs and customers, Howco has no knowledge of ever shipping an off-spec product from the facility.

Based upon a review of the various comments provided by the Department, we do not believe that the Department has provided an explanation for its rejection of the analysis performed by Howco and its consultants which supports prospective monthly sampling of outgoing "on spec" product. As opposed to providing specific comments or criticism's of that work, the Department has simply proposed a "compromise" – which, as we understand it, would require that all work that has been completed by Howco (at a substantial expense) be discarded in favor of a plan provided by the Department for which no supporting technical explanation or basis has been supplied. The Department indicates simply that upon receipt of the data Howco would collect under the Department's proposed plan, "the Department will determine the frequency of future sampling at the facility."

During one of our last discussions, Stanley, you indicated that during the September 17, 1999 inspection of the facility, the Department had found documentation indicating that Howco

had produced off-spec oil at the facility. You cited this as one of the Department's bases of concern over the Sampling Plan. Apparently, Randy Strauss and Howco staff have since discussed transposition of numbers on the log sheet reviewed by the Department, and have resolved the issue. There were two batches that appeared to be "off-spec." Batch 1263 looked as though lead was 122 ppm and chromium was 28 ppm. Batch 1269 appeared as if the lead value was 123. In reality, what Randy saw was a transposition of numbers. The 122 and 123 were actually tank numbers that were sampled. The chromium number of 28 was actually a lead level. No off-specification oil was marketed. Dave Roehm addressed this with Randy Strauss on the day after the inspection and he copied the additional data that Howco supplied to the Department. The conclusion of that inspection (see subsequent letter from the Department dated September 28, 1999, states that "Howco Environmental Services was found to be in compliance with RCRA regulations governing used oil transporters, processors and marketers." copy attached). No off-specification oil has been marketed from this facility to the best of the company's knowledge.

Also, we have advised that the samples collected for the Sampling Plan were collected using the same collection procedure outlined in the Permit Application, (which was written based upon the facility's sampling protocol).

In discussions with Howco, Department staff have indicated that they do not want to permit Howco to sample less frequently than other facilities. As noted in the EPA preamble to the Final Rule, the issue is not what other permittees' sampling plans require, but what is technically appropriate for each facility, given the circumstances and the information available to the facility. Part 279 of CFR does not require analytical sampling of outgoing loads to provide a basis of support for processor knowledge as required. Section 279.55 provides that "owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of ... § 279.72" (regarding on-spec characteristics). Under Subsection (b), the sampling plan must specify (in relevant part):

- "(1) whether sampling analyses or other information will be used to make this determination;
- (2) if sample analyses are used to make this determination:
 - (i) the sampling method used to obtain representative samples to be analyzed
....
 - (ii) whether used oil will be sampled and analyzed prior to or after any processing/re-refining
- (3) the type of information that will be used to make the on-specification used oil determination."

Thus, it is clear on the face of the rule, that other information may be used to make or support the determination, and that sampling and analysis of the finished product is not required

to be performed. Section 279.55(b) recognizes that the processor may have knowledge of the characteristic of the material without performing laboratory analysis of the materials generated. The rule prescribes no specific requirements for testing, if testing is to be performed (at the processor's election). The preamble to the Final Rule published at 57 FR 41566, September 10, 1992, recognized that "it is probably not possible to develop a testing frequency schedule that would be appropriate for all used oil processing and re-refining facilities and take into account the many facility-specific variables that affect sampling analysis frequencies. Therefore ... EPA is not providing a specific schedule, but is requiring owners and operators of used oil processing and re-refining facilities to establish a tailored sampling analysis schedule that will be appropriate for their particular facility and that meets the intent of the sampling and analysis requirements."

The Department acknowledges in Subparagraph (2) of its comments on the Sampling Plan contained in the August 27th letter that the processor may claim "knowledge" as a basis of its determination of on-specification characteristic. The processor's knowledge under Subpart 279 is akin to a generator's right, under RCRA, to claim "generator knowledge" as the basis of a non-hazardous determination. EPA adopted this regulatory approach for used oil in order to facilitate responsible handling of the material in a cost-effective manner. As is the case under RCRA, the Department may sample any material for which "knowledge" is claimed by the generator/processor, and if the material fails the test, the generator/ processor will bear the consequences of that result. The regulatory approach reflected by the rule was confirmed in discussions with EPA Region IV and the EPA CERCLA/RCRA Hotline. Nonetheless, Howco performed substantial testing and analysis to provide the Department with a technical basis for its proposed random sampling of one outgoing batch per month based on an analysis of batches of generated product over a six-month period as summarized in the Sampling Plan and Wludyka opinion.

Referring to the Department's letter of August 27th, the Department stated that "... only approximately 20% of all outbound oil was sampled, and not all samples were tested for all parameters in 40 CFR 279.11 Table 1." While it is true that not all of the samples analyzed were analyzed for every parameter in 40 CFR Part 279.11 Table 1 (Lead, Cadmium, Chromium, Arsenic, Flash Point, and Total Halogens), we do not see the significance of the statement as such analysis is not required in order for Howco to develop a basis of "processor knowledge" of the characteristics of its on-spec oil. In addition, the statistical analysis completed by ENVIRONEERING, INC. and Peter Wludyka, Ph.D. indicate that the total number of batches for the study period was 83. The number of samples analyzed for the 40 CFR Part 279.11 required parameters of Lead, Cadmium, Chromium, Arsenic, Flash Point, and Total Halogens were 27, 27, 27, 24, 24 and 83, respectively. Thus, the percent of the processed oil batches sampled for the individual parameters were as follows: Lead (32.5%), Cadmium (32.5%), Chromium (32.5%), Arsenic (28.9%), Flash Point (28.9%), and Total Halogens (100.0%), not

Mr. Stanley Tam
Mr. Chris McGuire
November 1, 1999
Page 4

"20%) as indicated.¹ The percent of the total number of batches that was analyzed for the entire set of parameters was 29%.

By comparison, based on the amount of data collected and the spread of results within those analyses, the engineer and expert opined that only one outgoing load per month, sampled on a random basis, is necessary to meet **95%** confidence level that successive shipments will meet the "on-spec" requirements of 40 CFR 279.11. Less frequent sampling is required to meet the 80% confidence level specified by EPA's SW-846 sampling plan protocol; however, in an effort to bring closure to the matter, Howco suggested monthly sampling with analysis performed by a certified laboratory.

Further, the Department has recognized that analyses performed on used oil pursuant to Chapter 62-710, FAC, does not require high level quality assurance protocols. In fact, under Rule 62-160.300(2)(f), the only requirements for quality assurance with respect to used oil are those of Category 1A ***which are record keeping only*** pursuant to Section 62-160.600. There is no other Department quality assurance requirements or oversight required under the Rule. Nonetheless, Howco performed extensive sampling and analysis using a certified state laboratory for all the critical parameters and proposes monthly analysis by a certified lab on a going forward basis.

In reviewing the other used oil permits/applications reviewed by the Department, we could find no evidence that any applicant has provided the Department with the quality, quantity or level of analysis of historical data supplied to the Department in Howco's case. In light of the facts, we would appreciate your collective reconsideration of these issues and approve Howco's Sampling Plan as proposed.

Yours sincerely,


Laurel Lockett

cc: Mr. Tim Hagan
Mr. Tim Rudolph

¹ Taken as a whole, the total number of parameters to sample for the 83 batches was 498. A total of 212 parameters were analyzed. Expressed as a percent of the whole, 42.5% of the total number of parameters were analyzed for during the six month study period.



Jeb Bush
Governor

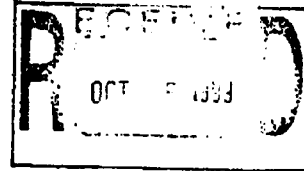
Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

September 28, 1999

Mr. Dave Roehm
Howco Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713



Re: Howco Environmental Services
Pinellas County
EPA ID No.: FLD 152 764 767

Dear Mr. Roehm:

Thank you for your assistance during the Resource Conservation and Recovery Act (RCRA) compliance inspection conducted on September 17, 1999. Enclosed is the inspection report generated from this visit. Based upon the information gathered from this inspection, Howco Environmental Services was found to be in compliance with RCRA regulations governing used oil transporters, processors and marketers.

If you have any questions, or if I can be of further assistance to you, please contact me at (813) 744-6100, extension 379.

Sincerely,

Simone M. Core
Environmental Specialist I
Division of Waste Management

Enclosure

cc: Morgan Leibrandt, BWP&R
Charlie Ryburn, Pinellas Co. DEM
Compliance file