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

October 28, 1999

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

Via Hand Delivery

Re: Howco Environmental Services - UO Permit

Dear Stanley:

Enclosed is the $2,000 check for the Solid Waste Permit conditions, along with sealed calculations relating to Containment Area #5 which were omitted from yesterday's delivery. Also, there are two slip pages (redline and clean copies) which are to replace paces submitted yesterday. They reflect two edits which were inadvertently omitted from the copy sent to you. Please call me if you have any questions.

Yours sincerely,

Laurel Lockett

LL:bl
cc: Mr. Tim Hagan
Mr. Tim Rudolph
Mr. Rick Neves (FDEP-Tallahassee)
Chris McGuire, Esquire (FDEP, OGC - Tallahassee)

DEP
OCT 28 1999
Southwest District Tampa

File 3-C
15/99

SOUTHWEST DISTR
FDEP

Solid Waste Program
Permitting Application

New Site

Site Name:	
Site Address:	
County:	
Type/Subcode:	

Existing Site

Site ID:	92465
Project Name:	HOWCO Solid Waste Proc. Fac.
Type/Subcode:	SO 20
Fee Submitted: $	2000 (X) correct ( ) incorrect
Fee Refund $	Fee Request $

Related Party

Role:	Applicant
Name:	Tim Hagan
Company:	
Street:	File
City:	ON
Zip Code:	
Phone:	

Distribution Date: _____

Fee Checked By: PELZ Date: 11/1/99

CARLTON FIELDS
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MAILING ADDRESS:
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TEL (813) 223-7000 FAX (813) 229-4133

October 27, 1999

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

Via Hand Delivery

Re: Howco Environmental Services - Response to 6th NOD and Supplemental Correspondence from the Department Re: Used Oil/Solid Waste Permit

Dear Stanley:

Enclosed are our consolidated responses on the Department's various letters regarding the response to the 6th NOD, followed by a redline version of the changes and a clean copy of the text of the entire application:

I. August 18, 1999 (Department Initial Response to 6th NOD).

Application Form

The Part II certifications are attached. V. W. Djordjevic and Tim Rudolph have signed and sealed the application with respect to the items noted on each application certification form.

Attachment 1. List of Drawings

A signed and sealed drawing of containment area #5 was provided by Mr. Djordjevic (copies attached).

The facility location has been added to the FIRM map (copies attached).

Attachment 3. Detailed Process Description

Typo has been corrected.

File 3-c
14/99

Attachment 4. Sampling & Analysis Plan

The first two requested corrections have been made. With respect to the suggestion regarding log entries, a notation for the date of shipment was added to the Department's proposed insert.

The third requested change relates to the number of samples to be taken under the sampling plan, which remains an open issue (see response to August 27, 1999 letter, Attachment 4, below).

II. August 27, 1999 (Supplemental Comments and Response from Department Re: Anti-freeze and Sampling Plan Issues).

Attachment 3, Item 3.12

We appreciate the Department's reconsideration of this issue and agreement that a generator may claim "generator knowledge" of its waste characteristics under RCRA and that Howco should not be required to demand analytical sampling from its generators who feel that they may legitimately claim a basis of "generator knowledge" under RCRA and so certify to Howco. Accordingly, Howco has taken the top 10 lines of page 2 of the letter, and has inserted them into Item 3.12.

Attachment 4, Item 4.2

The requirements of the sampling plan for outgoing on-spec oil remain an open issue.

In our October 6, 1999 conference call with Chris McGuire and Department staff, it was agreed that District staff would send Howco's sampling plan, the supporting analytical data and the opinion of Dr. Peter Wludyka to Chris McGuire for review and additional consideration by Tallahassee Department staff. As of October 26, 1999, this information had not been received in Tallahassee, although Howco is required to provide its response to the Department's comments by October 27, 1999. A separate letter will be provided outlining our additional thoughts on the Sampling Plan.

III. September 24, 1999 (Supplemental Comments and Response from Department Re: Solid Waste Issues).

1. **Revision of Drawings**.

D-4-1, D-6-1, D-8-1, D-8-2, and D-10-1 have been revised by removing the reference to the area identified as the "sludge drying bed."

2. **Solid Waste MRF Permit.**

We have discussed the issue incorporating any Special Conditions regarding solid waste matters into the UO Permit for almost one year, and the Department had agreed that a separate Sold Waste Permit Application would not be required. The Department's September 24, 1999 letter was the first request for a Solid Waste Permit Application fee for consideration of those Special Permit Conditions. Nonetheless, the $2,000 application fee will be submitted under separate cover.

3. **Closure Plan Relating to Solid Waste Management Portion of the Facility.**

This Plan has been included as Attachment 10 to the Application. We have also enclosed the specific closing cost estimates which were obtained and which support the closure cost portion of the Plan. Upon approval of the estimates and the Application, Howco will post a bond in order to satisfy the financial assurance requirement. Consistent with the Department's practice in other cases, we request that "posting of the financial assurance in a form approved by the Department" be added as Specific Condition to the Permit.

4. **Solid Waste Tracking Plan.**

This document has been added as Attachment 6 to the Application. As requested, the Tracking Plan addresses the preparation of waste quality report.

Yours sincerely,

Laurel Lockett/bl

Laurel Lockett
(Signed in her absence to avoid delay in mailing)

LL:bl
cc: Mr. Tim Hagan
Mr. Tim Rudolph
Mr. Rick Neves (FDEP-Tallahassee)
Chris McGuire, Esquire (FDEP, OGC - Tallahassee)

ENVIR ONEERING INC.
109 AZALEA POINT DRIVE SOUTH • PONTE VEDRA BEACH • FLORIDA • 32082

October 25, 1999

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

Dear Tim:

The enclosed proposals on the closure of the solid waste portion of your facility are provided pursuant to the request from FDEP on 24 September 1999. The total cost to close the solid waste section of the Used Oil Permit application is $58,760.00. The individual costs are provided in Table 1.

TABLE 1. HOWCO CLOSURE COST ESTIMATES.

ACTION ITEM:	COST
SOLID WASTE DISPOSAL	$34,000.00
ANALYTICAL WORK	$6,560.00
FACILITY DECONTAMINATION	$13,800.00
ENGINEERING OVER SITE & CERTIFICATION	$4,400.00
TOTAL	$58,760.00

The actual proposals are provided as enclosures (1) through (4). The maximum volume of waste to be stored at the facility is 22,000 gallons. The closure cost estimate was based upon the waste being in 55-gallon drums, which is the most expensive container type for disposal. The unit price of $85.00 per drum was used.

I can be reached at (904) 665-0100 or mobile (904) 612-1456 if you should have any questions.

Sincerely,

Timothy W. Rudolph, P.E., L.A.C.
President
Environmental Engineer 39617
Licensed Asbestos Consultant EA 0000074
<HES-30.DOC.TWR>

cc: Laurel Lockett

(904) 665-0100 (904) 612-1456 • MOBILE (904) 665-0101 • FAX

Clark Environmental, Inc.

FASCIMILE TRANSMITTAL

755 Prairie Industrial Parkway
Mulberry, Florida 33860

DATE: 10-15-99

Number of pages including cover sheet: ___

To: Tim
410 drums of Non-Haz
T+D from St Pete
Phone: 904-665-0100
Fax: 904-665-0101
CC:

From: Jim
Phone: (863) 425-4884
Fax: (863) 425-2854 (877) 329-2341
CC:

Remarks: ☐ Urgent ☒ For Your Review ☐ Reply ASAP ☐ Please Comment

Unit #

1) Used oil contaminated Oil dry, Soils + drill cuttings (Thermal Treat) # 75"/55gal

2) Transportation - includes manifests, labels + liftgated truck # 10"/55gal

3) Analytical Composite - a) TCLP - Metals
b) TCLP - Volatiles

Tim if you have any questions please call.

Thanks
Jim

ENCLOSURE (1)

October 18, 1999

Mr. Tim Rudolph
Environeering, Inc.
325 West Adams Street
Suite 101
Jacksonville, FL 32220

DOMINION
A PROFESSIONAL ENVIRONMENTAL GEOSCIENCES COMPANY

HOWCO ENVIRONMENTAL SERVICES PROPOSAL

Dear Mr. Rudolph:

DOMINION, Inc. is pleased to provide you this proposal for services at the referenced facility in St. Petersburg, Florida. As requested, DOMINION personnel will inspect and sample approximately 20 drums at the facility; review analytical data from the sampling; oversee removal of drums; inspect the pad for closure compliance when complete; and when closure has been completed in a manner consistent with the Closure Plan, provide a Florida Professional Engineer seal that this has been done.

These services will be performed for Howco Environmental Services, at the estimated cost of $4,400.00. This includes 56 hours of geologist and P.E. sampling time, reporting, and certification. The remainder is a $480 mileage estimate for 4 trips to St. Petersburg from Jacksonville.

I hope this finds you well. If you have any questions, please call. May God bless you.

Sincerely,

DOMINION, Inc.

Paul D. Laymon, P.G.
Principal

6924 Hanson Drive South • Jacksonville, FL 32210 • phone (904) 783-4279 • fax (904) 786-8984

ENCLOSURE (2)

Advanced
Environmental Laboratories, Inc.

8936 Western Way • Suite 7
Jacksonville, Florida 32256
(904) 363-9350
FAX (904) 363-9354

October 15, 1999

Environeering, Inc.

ATTN: Tim Rudolph

Thank you for the opportunity for Advanced Environmental Laboratories, Inc. to provide you quality analytical services to Environeering, Inc. As per your request today I am providing you with a quotation for the **Howco** project.

The following costs will include a trip blank, sample containers, preservatives, coolers, and all required documentation materials. Additionally, sample kit delivery and pick-up are also available. The turnaround time will be within 5-7 working days or sooner.

Analysis	EPA Method	Cost/Sample	Quantity	Total Cost
TCLP Volatile Analysis	1311/8240	$ 160.00	20	$ 3200.00
TCLP 8 RCRA Metals	1311/6010B	$ 140.00	20	$ 2800.00
Drum Sampling		$ 35.00/hr	16	$ 560.00
			Total Project Cost	**$ 6,560.00**

I believe the above costs are competitive with your current analytical costs and will always exceed your expectations in Service, Turnaround, and Quality. If you have any questions concerning the analytical costs or any other matters, please give me a call.

Sincerely,
Advanced Environmental Laboratories, Inc.

Jolene C. Warnke
Project Manager

ENCLOSURE (3)

Voice (904) 241-2200 Fax (904) 241-4732

BID NO.

DATE 20-Oct-99

ATTN.:	Tim Rudolph
COMPANY	Environeering
STREET	108 Azalea Point S.
CITY, ST., ZIP	Ponte Vedra Fl 32082
PHONE/FAX	665-0100 Fax 665-0101

SITE	St. Pete Fl.
COMPANY	Environeering
STREET	
CITY, ST., ZIP	
CONTRACT NO.	

ERI to provide labor and equipment to decon and clean one concrete pad approximately 14000 sq. feet. All water will be removed and dispose of in accordance with local, state and federal regulation.The pad is to be free of equipment. Water is to be supplied for cleaning. This work is based on all waste being non hazardous and no special requirements needed for PPE or exposures.
Estimate time for completion is 3 days using a 4 man crew.

PRICE FOR ABOVE WORK SCOPE $13,800.00

Thank you for the opportunity to provide this proposal. If you have any questions, please call.

Work to be performed in accordance with all written drawings and specifications previously submitted to ERI. Any deviation from those specifications will be executed only upon receipt of written orders and may result in additional charges. Work to be performed in a substantial workmanlike manner in accordance with all local, state and federal regulations. This proposal is contingent upon strikes, accidents, or other delays beyond our control. This proposal may be withdrawn if not accepted within 30 days. Please note terms and conditions, including warranty limitations, contained on the reverse side.

C.O.D. ☐ | 1% 10; NET 30 ☐ | NET 30 X | ☐

Payments not made by due date will be subject to 1.5% monthly late fee.

Respectfully submitted for ENVIRONMENTAL RECOVERY, INC.

Submitted by (Print/Signature/Title) Chuck Nevin /Project Manager

Reviewed by (Print/Signature/Title) _____

The above prices and conditions are satisfactory and are hereby accepted. ERI is authorized to perform the work as proposed.

Date _____ Print/Signature/Title _____

— ENCLOSURE(4)

Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

DATE: 10/6/99

TIME: 1:30 PM

SUBJECT: Howco teleconference - discussion of sampling + analysis plan

ATTENDEES

Name	Affiliation	Telephone
Stanley Tam	FDEP - Tampa	
Roger Evans	"	
Al Gephart	"	
Chris McGuire	FDEP - OGC	
Raoul Clarke	FDEP - Tallahassee	
Laurel Lockett	Charleton Fields	

File 3-C
13/99

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

August 12, 1999

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

Via Telecopy

Re: Howco Environmental Services - Your Letter of September 24, 1999

Dear Stanley:

Confirming our telephone call today, Howco has thirty (30) days within which to respond your letter forwarding the Solid Waste Permitting issues which is October 27, 1999. While we will certainly attempt to respond more quickly, we are permitted the full thirty (30) days to respond as acknowledged in your August 27th letter. Your letter requests a response by October 15th and states "assuming the fee and your response are submitted in a timely manner, the Department intends to declare final agency action ... by October 20, 1999." Since a timely response would require submittal by October 27th, I assume the Department will defer final action until Howco's response has been reviewed and due consideration given. Please let me know when we can get together by phone with Chris McGuire on the Sampling Plan issue.

Yours sincerely,

Laurel Lockett

LL:bl
cc: Mr. Tim Hagan
Mr. Tim Rudolph
Mr. Rick Neves (FDEP-Tallahassee)
Chris McGuire, Esquire (FDEP, OGC - Tallahassee)

Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

September 24, 1999

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:

In the Department's August 27, 1999 letter to you, we indicated that comments concerning solid waste issues were forthcoming. Attached are comments from Susan Pelz of our Solid Waste Section regarding those issues. In addition to these comments, please revise Drawings D-4-1, D-6-1, D-8-1, D-8-2, and 10-1 by removing reference to an area identified as the sludge drying bed.

As discussed in our July 21, 1999 meeting, your solid waste management activities require a solid waste Material Recovery Facility (MRF) permit per 62-701.700, FAC. You indicated that you wished to have the MRF permit combined with the used oil processor (UOP) permit by inserting the applicable permit conditions into the UOP permit. Pursuant to 62-4.050(4)(i)32, FAC, applying for a MRF permit requires a fee of $2000. The MRF/UOP permit application cannot be considered complete until this fee has been received. When submitting the fee, please be sure to include a cover letter describing the purpose of the fee (i.e., permit fee for a solid waste MRF permit).

To expedite this matter, please submit the above mentioned fee as soon as possible and submit your complete and official response to the 6th Notice of Deficiency and the attached comments by October 15, 1999. Please note that, assuming the fee and your response are submitted in a timely manner, the Department intends to declare final agency action on this permit (i.e., Intent to Issue or Deny) by October 20, 1999.

If there are any questions concerning this matter, please contact me at the letterhead address or call (813)744-6100, extension 390.

Sincerely,

Stanley Tam

Stanley Tam
Professional Engineer II
Hazardous Waste Section

Attachment

cc (w/ attachment):
Laurel Lockett, Carlton Fields
Tim Rudolph, Environeering, Inc.

File 3-c
11/99

Florida Department of

Memorandum

Environmental Protection

TO: Roger Evans, Engineer IV, Hazardous Waste Section

FROM: Susan Pelz, P.E., Solid Waste Section

DATE: September 7, 1999

SUBJECT: HOWCO submittal dated July 22, 1999 (received July 23, 1999)

cc: Robert Butera, P.E., Solid Waste Manager
Stanley Tam, P.E, Hazardous Waste Manager
Al Gephart, Engineer III, Hazardous Waste

Since solid waste will be managed under specific conditions included in the used oil processing facility permit, the Solid Waste Section has not reviewed the design of the facility (which is assumed to comply with the Used Oil Processing Facility design requirements), but has reviewed the operational information concerning the management of solid waste materials at the site.

The following information is needed to complete the solid waste portion of the application:

1. A closure plan which describes the steps needed to close the (solid waste management portion of the) facility needs to be submitted. The closure plan must include all steps necessary to close the facility, including, but not limited to, loading, transportation and disposal of all solid waste materials, sampling/analysis of all solid waste materials as required by the disposal facility, decontamination of the site and equipment, testing and disposal of the decontamination liquids, etc. The applicant must also provide financial assurance for the facility. Closing cost estimates must be submitted which include the costs for the activities described in the closure plan and should include, but not be limited to, the following activities performed by a third-party: loading, transportation and disposal costs for the maximum quantity of processed and unprocessed solid wastes and residuals, sampling/analysis of all solid waste materials as required by the disposal facility, contract management of the closure operation, etc. Third-party quotes supporting the costs should be included in the submittal.

2. Attachment 6, Tracking Plan, describes the tracking which will be performed for the used oil. This section should be revised to specifically address how records of the solid waste materials which will be managed at the site will be maintained. The applicant should be aware that waste quantity reports will be required.

sjp

Department of
Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Jeb Bush
Governor

David B. Struhs
Secretary

August 27, 1999

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

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

Dear Mr. Hagan:

As indicated in our letter of July 30, 1999, the following is the Department's written response to the unresolved antifreeze testing and on-spec sampling plan issues discussed in the meeting of July 21, 1999.

Attachment 3, Item 3.12

Your response is correct in saying that testing is not necessary for some antifreeze waste streams. The Department has found those occasions are extremely rare because the vast majority of businesses that generate spent antifreeze cannot say with certainty that their spent antifreeze has not been contaminated with metals or halogenated solvents. The quality and nature of spent antifreeze is generally dependent upon conditions not in the control of the generator. It is precisely for this reason that this office has taken the position that testing is necessary to determine if spent antifreeze destined for disposal is hazardous. If a generator can demonstrate to the Department that their process and management practice generates a waste antifreeze that is non-hazardous and is willing to sign a "Certification" stating as such, then process knowledge would be acceptable.

We are concerned that the generator properly characterizes his waste antifreeze, that the transporter knows what he is carrying, and that the receiving facility knows what they are processing. Both the transporter and receiving facility must know if the waste they are accepting is hazardous. A verbal acknowledgement from the generator of waste antifreeze is not adequate to support a non-hazardous waste determination.

Unless the generator can positively certify that their spent antifreeze meets the TCLP regulatory limit for the hazardous constituents (benzene, lead, tetrachloroethylene, and trichloroethylene) that are most often found in waste antifreeze, Howco shall not process this waste stream at its facility. Since Howco is reluctant to identify in its permit application that testing is required from

all generators who offer waste antifreeze for disposal, Howco shall: 1) clearly inform all customers that it is not permitted to manage hazardous waste; and 2) maintain on-site a record of the certification from all generators clearly stating the basis for determining the waste antifreeze to be non-hazardous.

As stated above, the Department expects that Howco will be able to document the basis of the non-hazardous waste determination. If process knowledge is used, documentation should be in the form of a brief description of the generator's processes and management practices which led to the non-hazardous determination, along with the signed certification. If analytical results are used, documentation should be in the form of results generated by a State of Florida Certified Laboratory using FDEP approved methods.

Attachment 4, Item 4.2

Based on Howco's response to the sampling and analysis plan ("Plan"), there appears to be some confusion on what the Department was requesting. The Plan is to be used to obtain **additional** data to support Howco's position on using process knowledge to determine on-spec used oil fuel. The Department contends that the data provided by Howco was incomplete in providing reasonable assurance that the used oil shipped off-site meets the criteria for on-spec used oil fuel. For example, to our knowledge there was no written sampling plan or chain of custody procedure or sample tracking procedure. This is important because 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.

The Department is providing Howco with two options for consideration:

(1) Randomly sample the processed oil at a frequency of one per week, or

(2) Conduct an additional study under strict control of a Plan, pre-approved by the Department, to provide additional data for demonstrating process knowledge in determining on-spec used oil fuel. Under strict control of the Plan, the Department would suggest that Howco initiate a sampling program that would entail sampling every batch for an additional three (3) months or a minimum of 30 samples. Each sample would be analyzed by Howco, or an independent laboratory, for all constituents and properties listed in 40 CFR 279.11, Table 1. 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. Howco shall submit to the Department the raw analytical data 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 at the facility.

Please revise the appropriate text of the permit application accordingly.

Further comments on solid waste issues are forthcoming. Upon receipt of these comments, Howco will have thirty (30) days to submit its complete and official response to the Department's Sixth Notice of Deficiency.

In our meeting of July 21, 1999, we discussed the Warning Letter #225256. Howco did not demonstrate that the alleged violation cited in the Warning Letter did not occur. Therefore, the penalty calculated for the violation remains at $4599 plus $100 (cost and expenses) for a total amount of $4699. After Howco submits its complete and official response to the 6th NOD, this issue may be settled by entry into a short form consent order with a monetary payment of $4699.

Should you have any further comments or questions you may contact me at 813-744-6100, extension 390.

Sincerely,

Stanley Tam

Stanley Tam
Professional Engineer II
Hazardous Waste Section

cc: Laurel Lockett, Carlton Fields Attorneys at Law
Tim Rudolph, Environeering, Inc.
Rick Neves, Hazardous Waste Management FDEP-Tallahassee

Howco/ 308139/ letter/ 8-27-99.doc

HOWCO Environmental Services
RESOURCE RECOVERY & EMERGENCY RESPONSE

August 24, 1999

Mr. Randy Strauss
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

Dear Mr. Strauss,

In accordance with the conditions of the consent order between Florida Department of Environmental Protection and HOWCO 40 CFR 279.54 (D) page 13. I am forwarding to your attention the Heath Petro-Tite line testing results. All lines tested passed.

Sincerely,

Tim Hagan

Tim Hagan
President

Attachments: Verification Letter
Underground Piping Diagram
Data Chart

3701 Central Avenue – St. Petersburg, FL 33713 - Tel. 727-327-8467 Fax: 727-321-6213
Operations: Tampa Bay - Ocala - Ft. Myers - 24-Hour Emergency Access 1-800-435-8467

File 3-c
9/99

NORRIS & SAMON PUMP SERVICE
1-800-323-4423

2620 - 20TH AVENUE, NORTH
ST. PETERSBURG, FL 33713
(727) 323-4423
(727) 323-8344 FAX

August 18, 1999

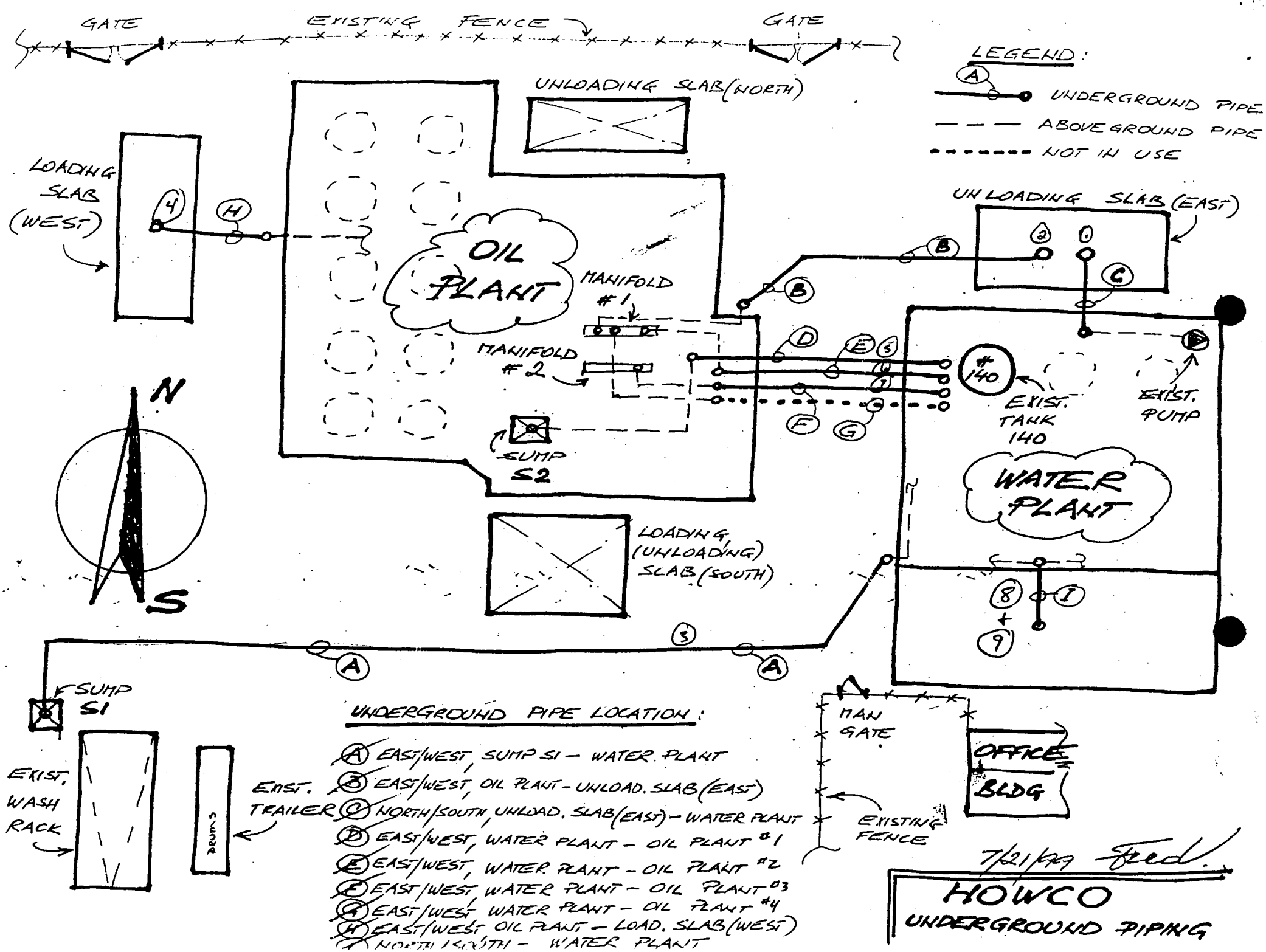
Attn: Mr. Tim Hagen

Re: Howco Bulk Plant
Underground Piping Test Results
843 43rd St. S.

All underground lines at your bulk plant were tested under the Heath Petro-Tite line test criteria and passed. The individual lines are located on your plant diagram we received. There were a total of nine lines all being three inch.

Thank you,

Joe Samon
Construction Manager
Norris & Samon Pump Svc.


GATE
EXISTING FENCE
GATE
LEGEND:
UNDERGROUND PIPE
ABOVE GROUND PIPE
NOT IN USE
UNLOADING SLAB (NORTH)
LOADING SLAB (WEST)
OIL PLANT
MANIFOLD #1
MANIFOLD #2
SUMP S2
UNLOADING SLAB (EAST)
#140
EXIST. TANK 140
EXIST. PUMP
WATER PLANT
LOADING (UNLOADING) SLAB (SOUTH)
N
S
SUMP S1
EXIST. WASH RACK
EXIST. TRAILER
DRUMS
MAN GATE
OFFICE BLDG
EXISTING FENCE
UNDERGROUND PIPE LOCATION:
(A) EAST/WEST, SUMP S1 – WATER PLANT
(B) EAST/WEST, OIL PLANT – UNLOAD. SLAB (EAST)
(C) NORTH/SOUTH, UNLOAD. SLAB (EAST) – WATER PLANT
(D) EAST/WEST, WATER PLANT – OIL PLANT #1
(E) EAST/WEST, WATER PLANT – OIL PLANT #2
(F) EAST/WEST, WATER PLANT – OIL PLANT #3
(G) EAST/WEST, WATER PLANT – OIL PLANT #4
(H) EAST/WEST, OIL PLANT – LOAD. SLAB (WEST)
(I) NORTH/SOUTH – WATER PLANT
7/21/89 Fred
HOWCO
UNDERGROUND PIPING

DATA CHART
For Use With
petro tite LINE TESTER

STATION NUMBER _____ DATE 07-21-99

1 LOCATION: 843 43^20 STREET SOUTH (Street No. and/or Corner) ST. PETERSBURG (City) FLORIDA (State) (727) 327-8467 X223 (Telephone No.)

2 OWNER: HOWCO ENVIRONMENTAL SERVICES (Name) TIM (Address) OWNER (Representative) (727) 327-8467 X223 (Position, Telephone No.)

3 OPERATOR: HOWCO ENVIRONMENTAL SERVICES (Name) 843 43RD STREET SOUTH (Dealer, Mgr. or Other; Address (If different than Location)) (727) 327-8467 X 223 (Telephone No.)

4 REASON FOR TEST ANNUAL PETRO-TITE LINE TEST TO BE PERFORMED ON ALL UNDER GROUND PRODUCT LINES.

5 TEST REQUESTED BY: JOEL M. SAMON (Name) (OWNER) (Position) OF NORRIS & SAMON PUMP SERVICE 1-800-323-4423 (Telephone No.)

6 SPECIAL INSTRUCTIONS: PERFORM ANNUAL LINE TEST ON ALL PRODUCT LINES

7 CONTRACTOR OR COMPANY MAKING TEST MECHANIC(S) NAME NORRIS AND SAMON PUMP SERVICES INC, JOE SAMON

8 IS A TANK TEST TO BE MADE WITH THIS LINE TEST? ☐ YES ☒ NO

9 MAKE AND TYPE OF PUMP OR DISPENSERS (SUCTION OR SUBMERSIBLE) BLANK LINES OFF AT BOTH ENDS

10 WEATHER CLOUDY/RAINY TEMPERATURE IN TANKS N/A °F N/A °C COVER OVER LINES ASPHALT/CONCRETE (Concrete, Black Top, etc.) APPROXIMATE BURIAL DEPTH 24"

11 IDENTIFY EACH LINE AS TESTED	12 TIME (MILITARY)	13 LOG OF TEST PROCEDURES, AMBIENT TEMPERATURE, WEATHER, ETC.	14 PRESSURE psi OR kPa BEFORE	14 PRESSURE psi OR kPa AFTER	15 VOLUME READING BEFORE	15 VOLUME READING AFTER	15 VOLUME NET CHANGE
EAST/WEST SUMP SI-		SET OUT FIRE AND SAFETY EQUIPMENT UPON ARRIVEING ON SITE HOOKED UP LINE TESTER.					
WATER PLANT	0805	PRESSURIZED LINE	0	130		PUMPS AT 78 lbs. PSI	
" "	0811	BEGINNING BLEEDBACK	130	0			
" "	0815	RE-PRESSURIZED LINE	0	130		.0460	
" "	0830	SUMP/WATER PLANT #1	128	130	.0460	.0440	+.0020
" "	0845	SUMP/WATER PLANT #2	128	130	.0440	.0430	+.0010
" "	0900	SUMP/WATER PLANT #3	129	130	.0430	.0420	+.0010
" "	0915	SUMP/WATER PLANT #4	129	130	.0420	.0410	+.0010
" "	0921	ENDING BLEEDBACK	130	0	.0410	.0710	-.03
EAST/WEST OIL PLANT UNLOAD SLAB EAST	0927	PRESSURIZED LINE	0	130			
" "	0928	BEGINNING BLEEDBACK	130	0			
" "	0930	RE-PRESSURIZED LINE	0	130		.0530	
" "	0945	OIL PLANT/EAST #1	126	130	.0530	.0500	+.0030
" "	1000	OIL PLANT/EAST #2	129	130	.0500	.0495	+.0005
" "	1015	OIL PLANT/EAST #3	129	130	.0495	.0490	+.0005
" "	1030	OIL PLANT/EAST #4	129	130	.0490	.0485	+.0005
" "	1033	ENDING BLEEDBACK	130	0	.0485	.0720	-.0235
NORTH/SOUTH UNLOAD SLAB EAST WATER PLANT	1037	PRESSURIZED LINE	0	130			
	1039	BEGINNING BLEEDBACK	130	0			
" "	1040	RE-PRESSURIZED LINE	0	130		.0390	
" "	1055	NORTH/SOUTH/UNLOAD #1	128	130	.0390	.0380	+.0010
" "	1110	NORTH/SOUTH/UNLOAD #2	129	130	.0380	.0370	+.0010
" "	1125	NORTH/SOUTH/UNLOAD #3	129	130	.0370	.0360	+.0010
" "	1140	NORTH/SOUTH/UNLOAD #4	129	130	.0360	.0350	+.0010
" "	1143	ENDING BLEEDBACK	130	0	.0350	.0670	-.0320
EAST/WEST WATER PLANT OIL PLANT (1)	1155	PRESSURIZED LINE	0	130			
" "	1159	BEGENNING BLEEDBACK	130	0			
" "	1205	RE-PRESURSIZED LENE	0	130		.0670	
" "	1220	(1) EAST/WEST/WATER PLANT #1	127	130	.0670	.0650	+.0020
" "	1235	(1) EAST/WEST/WATER PLANT #2	128	130	.0650	.0640	+.0010

16 REMARKS — SIZE, LENGTH & TYPE OF LINE, # FLEX CONNECTORS CONCLUSIONS, REPAIRS AND COMMENTS

220' OF 3" PVC PIPE WITH NO FLEX HOSES
(220X0)+(0X.005)=.050 PSI

BEGINNING BLEEDBACK = OK

NET VOLUME CHANGE PER HOUR = +.0020

YES LINE MEETS CRITERIA

ENDING BLEEDBACK = OK

75' OF 3" GALV. PIPE WITH 0 FLEX CONNECTORS
(75X0)+(0X.006)+.050=.050

BEGINNING BLEEDBACK = OK

NET VOLUME CHANGE, PER HOUR +.0045 "PASS"

YES LINE MEETS CRITERIA

ENDING BLEEDBACK = OK

25' OF 3" GALV. PIPE WITH 0 FLEX CONNECTORS
(25X0)+(0X.006)+.050=.050 N

BEGINNING BLEEDBACK = OK

NET VOLUME CHANGE PER HOUR = +.0040

YES LINE MEETS CRITERIA

ENDING BLEEDBACK = OK

65' OF 3" GALV. PIPE WITH 0 FLEX CONNECTORS,
(65'X0)+(0X.006)+.050=.050 N

BEGENNING BLEEDBACK = OK

NET VOLUME CHANGE PER HOUR =

ENDING BLEEDBACK = OK

RECEIVED AUG 25 1999 Department of Environmental Protection SOUTHWEST DISTRICT

18 TEST RESULTS

Tests were made on the above line systems in accordance with test procedures prescribed for as detailed on attached test charts with the results as follows:

Line Identification	Meets Criteria	Net Volume Change Per Hour	Date Tested
EAST/WEST/SUMP/WATER P.	YES	+.0050	07-21-99
OIL/PLANT/UNLOAD	YES	+.0045	07-21-99
NORTH/SOUTH/UNLOAD	YES	+.0040	07-21-99
(1) EAST/WEST/WATER PLANT	YES	+.0050	07-21-99
(2) EAST/WEST/WATER PLANT	YES	.0050	07-21-99

17 CONTRACTOR CERTIFICATION

Technician: Joe Samon Jr (Signature)

Certification # FLN0102C042099

11 IDENTIFY EACH LINE AS TESTED	12 TIME (MILITARY)	13 LOG OF TEST PROCEDURES, AMBIENT TEMPERATURE, WEATHER, ETC.	14 PRESSURE psi OR kPa		15 VOLUME BURETTE READING		NET CHANGE	16 TEST RESULTS CONCLUSIONS, REPAIRS AND COMMENTS
			BEFORE	AFTER	BEFORE	AFTER		
EAST/WEST WATER PLANT	1250	① EAST/WEST/WATER PLANT #3	129	130	.0640	.0630	+.0010	
OIL PLANT #1	1305	① EAST/WEST/WATER PLANT #4	129	130	.0630	.0620	+.0010	
" ↓ "	1309	ENDING BLEEDBACK	130	0	.0620	.0870	-.0250	= OK
EAST/WEST WATER PLANT								
OIL PLANT #2	1327	PRESSURIZED LINE	0	130				65' OF 3" GALV. PIPE WITH 0 FLEX CONNECTORS (65 X 0) + (0 X .006) + .050 = .050 N
" "	1331	BEGINNING BLEEDBACK	130	0				
" "	1335	RE-PRESSURIZED LINE	0	130		.0510		
" "	1350	② EAST/WEST/WATER PLANT #1	127	130	.0510	.0490	+.0020	NET VOLUME CHANGE PER HOUR = +.0050 "PASS"
" "	1405	② EAST/WEST/WATER PLANT #2	128	130	.0490	.0480	+.0010	
" "	1420	② EAST/WEST/WATER PLANT #3	129	130	.0480	.0470	+.0010	YES LINE MEETS CRITERIA
" "	1435	② EAST/WEST/WATER PLANT #4	129	130	.0470	.0460	+.0010	
" ↓ "	1438	ENDING BLEEDBACK	130	0	.0460	.0735	-.0275	ENDING BLEEDBACK = OK
EAST/WEST WATER PLANT								
OIL PLANT #3	1453	PRESSURIZED LINE	0	130				65' OF 3" GALV. PIPE WITH 0 FLEX CONNECTORS (65 X 0) + (0 X .006) + .050 = .050 N
" "	1456	BEGINNING BLEEDBACK	130	0				
" "	1500	RE-PRESSURIZED LINE	0	130		.0415		
" "	1515	③ EAST/WEST/WATER PLANT #1	128	130	.0415	.0400	+.0015	NET VOLUME CHANGE PER HOUR = +.0035 "PASS"
" "	1530	③ EAST/WEST/WATER PLANT #2	128	130	.0400	+.0390	+.0010	
" "	1545	③ EAST/WEST/WATER PLANT #3	129	130	.0390	+.0385	+.0005	YES LINE MEETS CRITERIA
" "	1600	③ EAST/WEST/WATER PLANT #4	129	130	.0385	.0380	+.0005	
" ↓ "	1609	ENDING BLEEDBACK	130	0	.0380	.0675	-.0295	ENDING BLEEDBACK = OK

SCALE: ☐ 1 PACE = 3 FT. PER SQUARE—THIS SHEET = 168' x 114'
☐ 2 PACES = 6 FT. PER SQUARE—THIS SHEET = 336' x 228'

17 SKETCH OF LOCATION

SHOW: NORTH (N ↑), STREETS, STATION BUILDING, TANKS, ISLANDS, PIPING (IF KNOWN, OR BEST INFO), PUMPS OR DISPENSERS (USE NUMBERS ONLY IF PERMANENTLY MARKED).

petro tite
LINE TESTER

HPN 5255

Department of
Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

August 18, 1999

Mr. Tim Rudolph, President
Environeering, Inc.
109 Azalea Point Drive South
Ponte Beach, FL 32082

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

Dear Mr. Rudolph:

The following are omissions/revisions to HOWCO's draft response to the Sixth Notice of Deficiency submitted on July 21, 1999.

Application Form

Page A-1: In the final application submittal, please provide the Part II Certification signed and sealed by the professional engineer of record.

Attachment 1. List of Drawings

The calculations for secondary containment indicate area #5 to be 38'x43'. A drawing was not provided in your draft response to the 6th NOD depicting the dimensions nor the construction details of containment area #5. Please provide a drawing, signed and sealed by a professional engineer licensed in the state of Florida, that provides the dimensions and construction details of containment #5.

Your draft response to the 6th NOD included two copies of the full 16"x16" FIRM Flood Insurance Rate Map (City of St. Petersburg, Florida; Pinellas County; Panel 21 of 28; Community Panel Number 125148-0021-B). However, the maps did not have the plant site locator as requested. The maps are enclosed for the placement of the facility location.

Attachment 3. Detailed Process Description

Item 3.13: In the second sentence, please insert the word **oil** between "used" and "does".

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

August 12, 1999

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

via telecopy

Re: Howco Environmental Services Used Oil Permit

Dear Stanley:

On July 22nd, following our meeting, we provided you with revised pages completing our response to the 6th NOD. We believe that we have addressed all issues are entitled to issuance of the permit. If you believe any additional issues remain, please advise so that we may set up a meeting/conference call with OGC staff to resolve those issues.

Yours sincerely,

Laurel Lockett

LL:bl
Enclosures
cc: Mr. Tim Hagan
Mr. Tim Rudolph
Mr. Rick Neves (FDEP-Tallahassee)

File 3-c
7/99

Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

July 30 , 1999

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

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

Dear Mr. Hagan:

On July 23, 1999, the Department received the modified pages to the application, from Ms. Laurel Lockett of Carlton Fields, in response to our meeting of July 21, 1999. At this time the Department has not made its decision on the two open issues discussed during that meeting. The Department will inform Howco, in writing, of its response to these issues.

The Department is aware that a complete response to the Sixth Notice of Deficiency will not be available until these issues are resolved. Hence, the Department extends Howco's requested extension of time from August 13, 1999, to thirty (30) days after Howco has received the Department's response.

If you should have any further comments or questions you may contact me at 813-744-6100, extension 390.

Sincerely,

Stanley Tam

Stanley Tam
Professional Engineer II
Hazardous Waste Section

cc: Laurel Lockett, Carlton Fields Attorneys at Law
Tim Rudolph, Environeering, Inc.

howco/ letter/ 7-30-99.doc

File 3-c

6/99

ENVIRONEERING INC.

109 AZALEA POINT DRIVE SOUTH • PONTE VEDRA BEACH • FLORIDA • 32082

July 20, 1999

Mr. Roger Evans
Florida Department of Environmental Protection
Southwest District
Hazardous Waste Section
3804 Coconut Palm Drive
Tampa, FL 33619

Reference: HOWCO Environmental Services Used Oil Permit Application H052-308139
FDEP Letter dated June 10, 1999 (Warning Letter #225256)

Dear Roger:

The Enclosure (1) drawings have been signed and sealed by engineers registered in the State of Florida as requested. The flood insurance map that was requested has been received and is provided by Enclosure (1) as promised in the ENVIRONEERING, Inc. letter dated 30 April 1999. Two copies of the drawings and maps are enclosed. The enclosure (2) response is provided to your letter of 10 June 1999 in the format requested. The Departments questions have been stated with the response to the question following.

Revisions have been made throughout the permit application as necessary to respond to your questions. The revised pages of the permit application are provided as enclosure (3). The typographical errors in the text have been corrected. Changes have been made to the antifreeze section (3.12), sampling and analysis (4), solid waste handling (5) and the contingency plan (8). I look forward to discussing the permit application revisions and the responses to your questions in the near future.

I can be reached at (904) 665-0100 or mobile (904) 612-1456 if you should have any questions or need additional information.

Sincerely,

Timothy W. Rudolph, P.E., L.A.C.
President
Environmental Engineer 39617
<HES-23.DOC.TWR>

cc: Mr. Tim Hagan, HOWCO Environmental Services President/CEO
Ms. Laurel Lockett, Carlton Fields

(904) 665-0100 (904) 612-1456 • MOBILE (904) 665-0101 • FAX

File 3-C
4/99

Attachment 1. List of Drawings

Prior to the Department accepting the application, all drawings must be signed and sealed by a professional engineer licensed in the State of Florida. These may be construction or as-built drawings.

The drawings have been signed and sealed buy a professional engineer licensed in the State of Florida.

Your response the 5th Notice of Deficiency (NOD) indicated that the title of drawing D-8-1 was consistent with the title in the Table of Contents. This is not the case. Please revise the titles to be consistent.

The response to the 5th NOD did change the title of drawing D-8-1 pursuant to the Departments request, however two words in the title were inverted in the Table of Contents. The title has been corrected in the new Table of Contents page provided with this submittal.

Your response the 5th NOD indicated that you would provide a full 16" x 16" FIRM Flood Insurance Rate Map (City of St. Petersburg, Florida, Pinellas County; Panel 21 of 28; Community Panel Number 125148-0021-B) with the plant site locator. To date, this has not been received by the Department. Please include this map with your response.

The map has been received and is enclosed.

Attachment 3, Detailed Process Description

Item 3.12 As stated in the 5th NOD, the Department will not accept your response to this issue. The Department can require a waste determination on antifreeze (see the 3rd paragraph in, "Florida Fact Sheet On The Management Of Waste Antifreeze"). The Department policy does not require testing if the antifreeze is recycled. From past discussions with HOWCO, we understand that HOWCO puts the antifreeze in its industrial wastewater pretreatment plant or sends it off-site for disposal. The frequency of the waste determination of the antifreeze shall be once, initially, and each time there is a process change. Please revise the text accordingly.

The 3rd paragraph in, "Florida Fact Sheet On The Management Of Waste Antifreeze" states as follows:

> "Since the quality and nature of the waste antifreeze can be dependent upon conditions not in the control of the generator of the waste antifreeze (e.g., type of radiator, maintenance, additives, etc.), it may not be possible to use product or process knowledge without first testing to make a hazardous waste determination. A generator can establish product knowledge by initially testing to determine whether the waste antifreeze is or is not, hazardous waste. If the testing indicates the waste antifreeze does not exhibit a characteristic of hazardous waste, product

knowledge (based upon initial testing) may be used until the process changes." [Emphasis added]

The generator is responsible for waste determination under 40 CFR 262.11. Knowledge may be used to make a waste determination in accordance with 40 CFR Part 262.11(c)(2) which states: "(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used." Testing to make a waste determination is covered in 40 CFR Part 262.11(c)(1). The testing of a waste stream or the use of knowledge is sufficient to make a waste determination.

The memorandum referenced does not state a different policy than that specified in 40 CFR 262.11. The first quoted sentence above uses the word "may" ["it may not be possible to use product or process knowledge without first testing to make a hazardous waste determination"] which means that testing is not necessary for some antifreeze waste streams and testing is necessary for some antifreeze waste streams. The second sentence "A generator can..." which means that a generator does not need to or may need to test the waste stream. The word "must" would have been used by the author instead of "can" if it was intended that every antifreeze waste stream be tested. (Obviously, that was not the intention, as it would be inconsistent with 40 CFR 262.11.) The third sentence states that "product knowledge (based upon initial testing) may be used ...".

With respect to Howco's off-site disposal, it relies upon the waste certification and generator knowledge of its customers which is permissible as its basis of "knowledge" of the waste generated for disposal.

Waste antifreeze that comes from an aluminum and plastic cooling system that is known by the generator to contain ethylene glycol and no other elements or compounds of concern is allowed to be declared a non-hazardous waste by the generator in accordance with 40 CFR 262.11(c)(2) based upon knowledge.

The placement of non-hazardous waste antifreeze in the Howco Environmental Services Industrial Wastewater Treatment is in compliance with the regulations. Hazardous waste antifreeze must be shipped a recycling facility or a RCRA Permitted Treatment, Storage or Disposal Facility.

The text of the antifreeze section has been revised again.

Attachment 4, Sampling & Analysis Plan
Item 4.2 The Department does not accept the premise that the processed oil generated at HOWCO meets the on-specification criteria based on generator's knowledge.

Under 40 CFR 279.55(b)(1),(3) it is clear that sampling is not required – that the processor may claim knowledge or "other information" as the basis of determination of on-specification. Similarly, if sampling is elected, sampling is not required to be

performed after processing, but can be based upon pre-processing analysis. 40 CFR 279.55(b)(2)(ii).

Howco has performed a detailed statistical analysis of analytical data collected from shipments over a six-month period, which demonstrates the basis of its claimed knowledge. This was not required, but was performed to support our claim. In the interest of resolution of this matter, Howco has offered to conduct a random sample once per month on ongoing product, which its expert concludes is more than sufficient. The on-specification waste determination provided on May 7, 1999 was based solely upon a statically valid analysis of the existing analytical information on the Company processed used oil waste stream. Given the volume and mix of the facility's customers and Howco's knowledge of its process the Company does not believe any further analysis is appropriate. The opinion of an expert in industrial statistical methods, Dr. Peter Wludyka, is attached.[1] His opinion confirms Howco's position. Further, we note that several other FDEP UO permittees conduct only one sample of outgoing product per month.

It is acknowledged that the Company Used Oil Permit Application uses the terminology of process knowledge to refer to analytical information.

It was the Department's understanding at the March 25, 1999 meeting that HOWCO would submit a Sampling and Analysis Plan addressing the on-spec determination of processed used oil. Your May 7, 1999 submittal contains no such plan. The data provided does not demonstrate that the sampling frequency of batches of processed used oil should be once/month as stated in your May 7 letter.

A sampling and analysis plan was agreed to be submitted to the FDEP during the March 25, 1999 meeting based upon the review of the data submitted with the first permit application which was almost two years old. FDEP representatives stated during the meeting that FDEP preferred that the data from the Company laboratory not be used in the statistical analysis of the used oil.[2] A review of Company records by ENVIRONEERING, INC. (hereafter referred to as the "Consultant") found that new data on the used oil analysis was available over a recent six month period that was analyzed by an outside laboratory. The existence of this data was not known by the Consultant at the time of the meeting. The Consultant called and left several voice messages for Mr. Roger Evans the last week of April 1999, but was unable to speak with Mr. Evans. The Consultant called Mr. Roger Evans on May 7, 1999 and explained that a new statistical analysis was going to be submitted instead of the proposed sampling plan for the above reasons. No objections were expressed at the time of the discussion. At that point in time, Mr. Evans had not reviewed the submittal provided on April 30, 1999.

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[1] Professor of Statistics, University of North Florida, 1994 - present; Director of University of North Florida Center for Research and Consulting in Statistics, 1997 - present.

[2] Note that Howco is permitted to rely on its knowledge which includes internal laboratory data (whether from a certified laboratory or not).

Howco may rely on knowledge of its process and customers and is not required to test outgoing product. However, Howco is willing to test one tankload per month, consistent with the data provided and the opinion of Peter Wludyka, Ph.D., attached.

HOWCO may either (1) agree to sampling every batch prior to shipment off-site, or (2) provide a Sampling and Analysis Plan that the Department can approve. The Plan shall include at a minimum the requirements listed below:

Item 2 is acceptable provided that the frequency is once per month and the other comments below are incorporated.

-Frequency of sampling: A procedure that randomly selects, each week, a batch (tank) for sampling. Repeating the random selection, if necessary, until a full tank (one that is tagged-out for shipment) is selected.

The permit application has been revised to obtain random samples of the processed used oil in accordance with EPA guidance documents that were used for the random sampling in the closure plan (in lieu of the bead selection process suggested in Dr. Wludyka's opinion).

-Identify the name of the laboratory performing each analysis, the analytical methods used and the detection limits.

Section 4.2.2 specifies analytical methods to be used. Detection limits shall be sufficient to detect to the acceptable limit for each parameter shown in the table. Howco will run tests for cadmium, chromium, lead, flash and total halogens in its in-house laboratory. At this time, Howco will send samples out to an off-site lab for PCB's and arsenic. Since the laboratory may change over the life of the permit, and no certified laboratory is required, we do not propose to list any particular laboratory. (Howco currently uses Precision Petroleum Labs of Houston, Texas.)

-Record date, time, batch number and tank for each sample taken.

The record date, time, batch number and tank for each sample taken to be sent to the outside lab will be recorded on the chain of custody form.

-Submit a Quality Assurance Plan using USEPA SW-846, Test Methods For Evaluating Solid Waste and 62-160.600 F.A.C., Quality Assurance, as guidelines.

Under F.A.C. 62-160.300(2), used oil is subject to "Category 1A" Quality Assurance Category requirements, which states only: "record keeping pursuant to Section 62-160.600 F.A.C. required, no Department quality assurance oversight."

We note that a quality assurance plan has not been required of other used oil processing permits that have been issued to date. A quality assurance plan is not necessary for this facility.

-All batches (tanks) sampled are to analyzed for all of the constituents in 40 CFR 279.11, Table 1 and PCB.

The analytical parameters requested for the once per month sample of processed used oil are acceptable to the Company as outlined above and set forth in Section 4.2.2.

-Provide a procedure for re-processing processed oil that has been sampled and found to be off-spec used oil.

A procedure has been provided in Section 3.13. To our knowledge, the Company has never produced a load of processed used oil that does not meet the on specification requirements.[3] In the event that a batch of processed used oil does not meet the on-specification requirement, the batch will be reprocessed and tested until it meets the on-specification requirements.

Item 4.2.1 The department has noted your response to the first three comments of Item 4.2.1, however, your response to the comment, "In the first paragraph, is one of the ten processed oil tanks the same as the process oil tank sampled for the off-site shipment?" is confusing. First you indicate that yes the used oil in the ten processed oil tanks is sampled for the off-site shipment. However, in discussions with the Department, HOWCO has stated that not all tanks are sampled prior to off-site shipment. The text should be revised.

Only one sample will be obtained and analyzed from the facility per month in accordance with the Sampling and Analysis Plan and the random sampling strategy outlined in Dr. Wludyka's opinion. That sample will be obtained from one of the finished product tanks used to store the processed used oil. As the Department is aware, the tank farm secondary containment is being upgraded at this time. At present, there are four finished product tanks. When tanks are re-installed, there will be a total of ten (10) finished process tanks. Revision made to this section.

In your response explaining what is meant by "Periodic grab sampling and analysis is performed on one of the ten processed oil tanks once per week", you specify the sampling frequency. Therefore, the sentence, "Periodic grab sampling....." should be deleted from the text.

The words "periodic grab" will be deleted which removes redundant text. Otherwise the sentence remains.

---

[3] Based on Dr. Wludyka's analysis, this is not surprising, as only 1/100,000 loads would be "expected" to fail.

In addition, the Department does not concur with the change of sampling frequency from once/week to once/month. This issue is discussed in Item 4.2, above.

Howco is not required to perform testing and may rely on knowledge of its process, etc. However, it is willing to perform monthly sampling, as previously discussed. See opinion of Dr. Peter Wludyka, attached.

Attachment 5. Solid Waste Handling
Please refer to the attached memo to Roger Evans from Susan Pelz, Solid Waste Section, dated May 20, 1999, for details on the following comments.

On January 5, 1999, Howco provided Ms. Susan Pelz provided with a copy of the Company Used Oil Permit Application pursuant to verbal discussions on October 15 and November 16, 1998. A copy of the transmittal letter is provided as Enclosure I. A follow up telephone call was made by the Consultant to Ms. Pelz on February 2, 1999. At that time, Ms. Pelz indicated that she had not had time to review the submittal. Enclosure II - Memorandum for the Record, documents this telephone conversation. Based upon the date of Ms. Pelz' memo to Mr. Roger Evans, the Solid Waste Department's review of the Company Used Oil Processing Permit Application took four and a half months.

During this four and half month period the entire permit application was completely revised. Ms. Pelz provided verbal comment during the April 19, 1999 teleconference and agreed to provide input to the Company on the solid waste text but did not do so before the next revision was due to FDEP. The Consultant's calls to the Department the last week of April 1999 were not returned. A written request for response dated April 29, 1999, similarly was unanswered.

While we appreciate the workload and Department staffing levels, we think it is unfair to claim Howco's response is deficient when we were unable to obtaining necessary feedback from the Department in order to timely address the Department's questions and concerns.

Item 5.1 Pre-qualification of generator's shipments must include a Waste Profile sheet and analytical data or MSDS (for virgin materials). See attached memo; comment #1.

See attached memo; Comment #1 response.

Item 5.2.1 Please identify what "new" sentence was added to the 12/29/98 submittal the address this comment.

One sentence was added to the 12/29/98 submittal of Item 5.2.1. The sentence added was "The solids in the used oil are removed by physical separation in the vibrating mesh screen." Additional changes were not made to this section as the Company was awaiting input from the Department, which was received in the following paragraph. Please note that the following was submitted on April 30, 1999 by enclosure (3) section 5.2.1: "[The

Company is awaiting input from Ms. Susan Pelz on the correct terminology to use to describe solidification, stabilization or absorption agents that are not solid wastes. This was discussed during the March 25, 1999 and April 1999 teleconferences and a facsimile requesting the promised input was sent to Ms. Suzan Pelz on April 29, 1999.]" The second comment in this section was responded to with the following: "[Sentence added]" which should have read "[Sentence to be added or revised when input is received from FDEP]." Enclosure III memorandum/record of the April 19, 1999 teleconference conversation and the facsimile transmittal sheets to Mr. Roger Evans and Ms. Suzan Pelz are provided.

In the 4/30/99 submittal, a revision as added stating that, "The solidification agent may be soil, fly ash or spent absorbent material that is brought to the facility specifically for solidification purposed or generated onsite from used oil processing." Please remove the word "spent" and re-word to state, "The solidification agent may be clean soil, fly ash or absorbent material that is purchased specifically for solidification purposes. See attached memo; comment #2.

See attached memo; comment #2 response.

Item 5.2.2 In the last sentence the work variance is not an appropriate term. Please revise to read, "FDEP-approved alternate procedure". See attached memo; comment #3.

See attached memo; comment #3 response.

Item 5.2.3. More clarification is needed on which solids will be sampled annually. See attached memo; comment #4.

See attached memo; comment #4 response.

Item 5.3 The total spectrum of petroleum hydrocarbons does not fall under the used oil rules. Please revise the descriptive terms "petroleum contaminated" and "petroleum hydrocarbon" solids. Materials or wastes to "used oil contamination" or "oily" solids, materials or wastes. See attached memo, comment #5.

See attached memo, comment #5 response.

There shall be no incoming solid waste placed on the ground or pavement at the facility. See attached memo, comment #6.

See attached memo, comment #6 response.

Please provide further clarification of how materials are handled. See attached memo #7.

See attached memo #7 response.

The Department could not located your revision to the text indicating the containers of processed waste are to marked to distinguish them from containers of unprocessed waste. See attached memo; comment #8.

See attached memo; comment #8 response.

Item 5.4 Please be consistent in using the terms, "liquid/solids separator decanting tank", oily solids batch treatment tank", and "cone separator tank". See attached memo; comment #9.

See attached memo; comment #9 response.

Item 5.5.1 Please be more descriptive on how and where oily solids are mixed prior to shipping off-site. See attached memo; comment #10.

See attached memo; comment #10 response.

Item 5.5.2 Please clarify the difference, if any between "hydraulic press," "oil filter crusher" and the "drum crusher." See attached memo comment #11.

See attached memo comment #11 response.

Item 5.6 The department did not agree the solids producing a sheen in water constitutes recoverable amounts of petroleum hydrocarbon. See attached memo; comment #13.

See attached memo; comment #13 response.

It does not seem reasonable that the sludge will dry in the sludge drying bed. Please describe the effectiveness of this process. See attached memo; comment #14.

See attached memo; comment #14 response.

Additional sentences were requested to explain the transfer of material from tanks 110 and 111 to roll-off boxes. HOWCO's response stating that material may be place in a roll-off box is not acceptable. Solids are to be containerized and are to be processed, not disposed. See attached memo, comment #15.

See attached memo, comment #15 response.

Please clarify which storage location the solid waste is to be transferred to from the sludge drying bed or storage container. See attached memo, comment #16.

See attached memo, comment #16 response.

Attachment 8, Contingency Plan

Item 8.1 Drawing D-8-1 is not titled "Process and Storage Plan" as identified in the text.

The text has been revised to state "Process and Equipment Storage Plan." A new page is enclosed.

Item 8.5 The last paragraph, "Primary and alternate personnel qualified to act as Incident Coordinator are listed in Table 8-2", is missing from the 4/30/99 revision. Please insert this paragraph into the text.

The "Primary and alternate personnel qualified to act as Incident Coordinator are listed in Table 8-2" statement moved to the next page as a result of revisions. The text shift just moved the statement to the next page, which is enclosed along with the other page(s) affected by the text shift.

Item 8.8 In items (a) through (e) item (b), "The plan fails in an emergency", is missing from the 4/30/99 revision. Please insert item (b) into the text.

Revised text caused the statement "(b) The plan fails in an emergency" to be moved to the next page. The text shift moved the statement to the next page, which is enclosed along with the other page(s) affected by the text shift.

Attachment 9. Unit Management Description

Table 9-1 The table provided in the April 30, 1999 submittal is not the same table that the Department approved in HOWCO's December 28, 1999, submittal. Please provide two copies of the 12/28/98 version to Table 9-1.

The Company has updated Table 9-1 in the course of a revision requested by FDEP to change the number of days from 31 to 30. Two copies of the previously submitted Table 9-1 are enclosed from the draft submittal dated April 5, 1999. The Table 9-1 sent to FDEP on April 30, 1999 is identical to the submittal provided on December 28, 1998 except for the change in the number of days from 31 to 30.

It is our understanding that the Used Oil Permit Application has not been approved until the permit is issued. The requested change back to the December 28, 1999 version has not been made. The draft version submitted on April 5, 1999 has been updated to include the change from 31 to 30 days and two copies are enclosed.

The following questions were written by Ms. Suzan Pelz, P.E. with the FDEP Solid Waste Section.

I have reviewed the above-referenced submittal and have the following comments.

Item 5.1, Pre-approval of Oily Solid Wastes

1. ***The information states, "Generators are required to pre-qualify their shipments utilizing one of the following methods..."[emphasis added] since it is stated that only one of the listed methods is required, it is not clear if submission of a Waste Material Profile Sheet only would be sufficient for acceptance of the material. The Solid Waste Section does not believe that submission of a Waste Profile Sheet without analytical data or MSDS (for virgin materials) is acceptable.***

Only one of the four stated alternatives is necessary to make a non-hazardous waste determination, therefore, the submission of a Waste Material Profile Sheet alone is sufficient. A certification by the generator that the waste stream is non-hazardous based upon process knowledge is sufficient to make a waste determination definition in accordance with 40 CFR Part 262.11. Knowledge may be used to make a waste determination in accordance with 40 CFR Part 262.11(c)(2) which states "Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used." As an example, consider the rainwater in the secondary containment area waste stream. The generator would have knowledge of the waste stream but would not have a material safety data sheet or analytical data. Generator knowledge would be deemed sufficient to make a non-hazardous waste determination.

Item 5.2.1, Removed by the Vibrating Mesh Screen.

2. ***The information states, "The solidification agent may be soil, fly ash or spent absorbent material that is brought to the facility specifically for solidification purposes or generated on site form used oil processing." In order to clarify this, the following changes should be made: "The solidification may be clean soil, fly ash or absorbent material that is purchased specifically for solidification purposed."***

Change made as requested.

Item 5.2.2 Oily Solids Removed from Storage Tanks.

3. ***The information states, "The thermal treatment facility will have the proper variance to treat the oily solids waste stream in accordance with F.A.C. 62-775." [emphasis added] since " variance" is not technically the correct terminology, please change this to "The thermal treatment facility will have the proper FDEP-approved alternate procedure to treat the oily solids waste stream in accordance with F.A.C. 62-775."***

Text revised. During the April 19, 1999 conference call, Ms. Pelz requested that the word "variance" be used. F.A.C. 62-775 does provide a section for FDEP Alternative Procedure.

Item 5.2.3. Sampling Plan for Solids

4. ***More clarification is needed on which solids will be sampled annually. Is it the processed (outgoing) solids, the incoming solids, or solids which may be at some stage in the process (e.g. filter press solids, cone tank solids, etc.)?***

The recent Consent Order between the Company and FDEP covers the sampling and analysis of the solid waste streams generated by the Company that will be analyzed on an annual basis. The solid waste streams will be sampled at the point of generation before the waste is mixed with another waste stream for disposal, in accordance with the Order.

Item 5.3, Incoming Oily Solids Acceptance Criteria

5. ***"Petroleum solids, petroleum impacted soil and used absorbent material are not included in the definition of used oil for oily wastes. For example, gasoline or diesel contaminated soil or absorbent would be petroleum impacted but are not authorized for management at a used oil processing facility. Wastes which are not used oil or oily wastes from which recoverable oil can not be obtained shall not be managed at the site unless a solid waste permit is obtained. This section should be revised to clarify that "Oily waste contaminated solids, soils and used absorbents materials are processed for used oil recovery." Alternatively, "Solids, soil and absorbent materials which are contaminated with used oil are processed for used oil recovery" is acceptable.***

It is our understanding that the facility is permitted to accept "oily waste" as defined in F.A.C. 62-701.200, whether or not used oil can be extracted from the material. The definition explicitly includes materials which have been contaminated with used oil where the material has been "separated from that used oil." These "oily waste" materials may be processed, if amenable to processing, or may be discarded, in accordance with F.A.C. 62-701.

Under 40 CFR 261.2(c)(2)(ii), "commercial chemical products" listed in 40 CFR 261.33 (e.g., gasoline, diesel fuel, jet fuel, etc.) are not solid waste if they are themselves fuels. 40 CFR 261.33 refers to discarded commercial chemical products, off-specification species, container residues, and spill residues. The requirements under 261.2(c)(ii) have been set out by various EPA guidance memoranda. When commercial chemical products or off-spec commercial chemical products are involved, the EPA considers the material's original intended purpose. As long as fuel is being reclaimed to be used as fuel, it is not considered a solid waste. Despite the reference to commercial chemical products listed in 261.33, the same reasoning applies to commercial chemical products that are not listed. See 500 FR 614.

The manner is which the fuel becomes off-specification is not usually a factor in determining whether they are regulated. For example, spills or small drippages which

result from the maintenance of jets are not solid wastes if they are used as fuels. These situations include cases where clean-up material such as sorbents are used to absorb the fuel from leaks or spillage. Another example involves overflow from fueling and fuel drained from tanks after testing. Furthermore, the EPA does not distinguish between different types fuel uses. As long as there is legitimate energy recovery, it is considered within its intended use. See EPA Guidance Memoranda from "RCRA Online," dated July 31, 1988 and February 6, 1995, attached (Enclosure IV).[4]

Although these materials are not subject to regulation as "solid wastes" we propose that they be handled under the used oil management standards incorporated in the Permit and subject to reclamation of product as described. The extracted fuel will be combined with the used oil and is managed pursuant to 40 CFR 279.10(d)(1). Once materials have been processed, non-fuel residuals will be managed as solid waste.

The section will be revised as follows: "The Company may accept 'oily wastes.' Oily wastes may be processed or discarded in accordance with F.A.C. 62-710. In addition, the Company may accept materials containing 'commercial chemical products' (i.e., gas, diesel, fuels) so long as they are processed to reclaim a fuel."

6. This section must clearly indicate that the solids (assumed to be received in containers) are removed from the containers and placed directly into the oily solids batch treatment tank or the cone separator tank. Residual solids resulting from processing in the oily solids batch treatment tank and/or cone tank must be discharged directly into a roll-off or other container for off-site disposal. No material is to be dumped onto the ground or concrete slab in the solids processing area.

The materials received by the Company for Used Oil Processing are transported to the facility in containers that meet Department of Transportation regulations. Solids received in drums are removed from the truck and placed into the appropriate drum storage area for processing. Used oil filters will be processed through the used oil filter press. The spent absorbent pads and booms containing "commercial chemical products" will be processed in the drum crusher or filter crusher. Oily wastes will be processed or discarded at the facility's election. Granular absorbents, soils, sludges and other solids will be vacuumed from the drums using a vac truck and will be placed into either tank 110 or 111 for processing. The solids removed from tanks 110 or 111 will be gravity drained into a rolloff box or dump trailer. The processed solids in the rolloff box or dump trailer will be solidified if deemed necessary to pass the paint filter test prior to off site shipment. No material will be dumped onto the ground or concrete slab in the used oil container storage area.

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[4] A telcon between Mr. Ashwin Patel, FDEP Hazardous Waste Section Manager and Mr. Tim Rudolph, P.E., ENVIRONEERING, INC. on 15 July 1999 confirmed the FDEP North East District's position that fuel recovery or recycling is not covered by the Used Oil Permit Program (no permit is required) and that diesel fuel and gasoline that are commingled with used oil in the normal course of used oil recovery is acceptable under a used oil permit.

7. This section should include a description of how the materials are handled. For example, solids received in vac trucks are discharged directly into the processing/treatment tanks (see Enclosure (3), page 7, paragraph 5). How are solids received in drums are dumped into the tanks? This information must be included in the application.

A vac truck is used to move solids from storage containers into the used oil solids processing tanks (Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number 110).

8. As discussed (see Enclosure (3), page 7 paragraph 4), the incoming and outgoing materials must be clearly distinguished. Procedures for this must be included in the application.

The containers that contain processed materials will be labeled "Processed solids". Incoming wastes received from off site will be marked with the proper Department of Transportation shipping name and label. Containers will be marked "Used Oil", "Used Oil Filters", "Non-hazardous Waste", "Spent Used Oil Granular Absorbent", "Spent Used Oil Pads", "Spent Used Oil Boom" or other labels that appropriately describe the waste stream.

Item 5.4, Unloading of Oily Solid Wastes
9. It is not clear if the "liquid/solids separator decanting tank" is the same as the "oily solids batch treatment tank" or the "cone separator tank". This part should be changed to be consistent with other portions of the Operations Plan.

The "liquid/solids separator decanting tank" is a generic term that refers to the function of either the "oily solids batch treatment tank" or the "cone separator tank". These two tanks are also referred to as Tank 110 or 111. Text has been revised.

Item 5.5.1, Petroleum Solids (see also Comment #5 above)
***10. The information states, "the remaining oily solids are then mixed with a solidification agent and allowed to dry...Upon completion of the drying the solids are loaded into trucks and transported to a permitted landfill facility or thermal remediation facility for disposal." Where does this occur? Is this mixing conducted in a roll off? How are the materials "mixed?" How are the materials loaded into a truck? See Comment #2 concerning solidification agents. Dumping the materials onto a concrete pad for mixing and solidification is unacceptable. Since the solids processing area is not covered (i.e. roof) it does not seem likely that the solids will effectively "dry out,"* especially during the rainy season.**

See response to comment #5 above concerning "petroleum" contaminated solids. See response to comment #2 above concerning solidification agents.

The solidification and loading activities are conducted in the used oil container storage area near the west-end of the facility. Mixing is conducted in a rolloff box. The waste that is being solidified is mixed with solidification agents by hand or mechanical mixing device. The solidified solids are loaded into a rolloff box which is transported off-site by truck for disposal.

The Company solids will be placed in an uncovered rolloff box to air-dry as deemed prudent by the Company. The rolloff box can be covered with a tarp quickly in the event of rainfall. The sludge drying bed has been removed and the reference to the sludge drying bed in the permit has been eliminated.

Item 5.5.2, Booms and Pads
11. It does not seem reasonable to expect that used oil will be removed from contaminated booms and pads through processing with a hydraulic press. It is not clear if the "hydraulic press" is the same as the oil "filter crusher" and/or the "drum crusher." Information on each of these units should be provided. Since the hydraulic press was "made by the Company [HOWCO]", the Department has not assurance that this unit was designed and manufactured with the purpose of processing contaminated booms and pads. The information provided in Enclosure (3), page 7 paragraph 1 indicates that the booms and pads may also be crushed in the used oil filter crusher or the drum crusher. If these units were purchased from the equipment manufacture indicating that the used oil filter crusher or drum crusher is suitable for extracting used oil from contaminated booms and pads should be provided. The processing of other used oil contaminated sorbents should be discussed.

"Oily wastes" may be processed, at the facility's election. Booms and pads contaminated with fuel with "commercial chemical products" (e.g., gasoline, diesel, fuels, etc.) will be processed to reclaim fuels.

Used oil/fuel are removed from contaminated booms and pads through processing with a hydraulic press. The Department is welcome to observe the process, if necessary.

Oil recovery equipment that is currently sold and available in the market place includes boom and pad ringers that fit on the top of 55-gallon drums. The contaminated pads or booms are loaded in the bottom side of the ringer. They are compressed as they are turned upward through the rollers. The oil in the boom or pads runs down and into the collection drum. A catalogue cut of a boom and pad ringer is provided as Enclosure V.

The term hydraulic press refers to either the filter crusher or the drum crusher as both of these units are hydraulic presses.

The filter crusher manufacturer is no longer in business. The drum crusher was manufactured by Howco Environmental Services. The certification from the manufacturer of the drum crusher was provided as enclosure (7) to the ENVIRONEERING, INC. letter dated April 30, 1999. One of the standard design

features for drum crushers is for the crushing of containers with the recovery of the liquid remaining inside the container. Manufacturers of drum crushers routinely make the units so that the liquids in the crushed containers can be recovered.

This section is specifically on the processing of contaminated boom and pads, not other solids. The other solids are discussed in different sections.

Item 5.6, Petroleum Contaminated Solid Waste
12. See comment #5 above concerning "petroleum" contaminated solids.

See response to comment #5 above concerning "petroleum" contaminated solids.

13. The information states, "petroleum contaminated solid waste includes sludges, oil dry, absorbent material, soil, debris, wood, clay, concrete, spent blast media and other petroleum residuals which are classified as non-hazardous waste. The petroleum contaminated solid waste may be generated on or off site.... Solid waste that produces a sheen when placed in water will be deemed to contain a recoverable amount of petroleum." It is not my recollection that the Department agreed to this definition, although Enclosure (3), page 7, paragraph 3 indicates that the Department agreed to this proposal. It does not seem reasonable that "debris, wood, clay, concrete, spent blast media" would be sufficiently contaminated to be able to recover used oil. Unless the applicant conclusively demonstrates that used oil can be recovered from these materials, the management of these materials will require a separate solid waste permit.

Please refer to preceding item. In addition, the definition of the recoverable amount of oil was discussed in detail with the FDEP on April 19, 1999. The minutes of the teleconference were recorded and distributed for comment prior to the submission on April 30, 1999 that answered the questions in the fifth notice of deficiency. No comments were received by ENVIRONEERING, INC. regarding the minutes from the teleconference. A sheen is deemed a recoverable amount of oil in accordance with the United States Coast Guard policy. A harmful quantity of oil is considered to be any amount of oil that causes a sheen in accordance with 40 CFR Part 110.3, which is listed below as reference A. The USCG routinely terminates spill response activities when the oil has been recovered to the point where there is no sheen left in the water in accordance with 33 CFR Part 153.305, which is listed below as reference (B). Debris, wood, clay absorbents, concrete, and spent blast media are sufficiently contaminated to recover used oil if the material produces a sheen when placed into water (as is the case when materials are processed in the used oil solids processing tanks).

REFERENCE (A)

Sec. 110.3 Discharge of oil in such quantities as ``may be harmful'' pursuant to section 311(b)(4) of the Act.

For purposes of section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:

(a) Violate applicable water quality standards; or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

[61 FR 7421, Feb. 28, 1996]

REFERENCE (B)

Sec. 153.305 Methods and procedures for the removal of discharged oil.

Each person who removes or arranges for the removal of a discharge of oil from coastal waters shall:

(a) Use to the maximum extent possible mechanical methods and sorbents that:

(1) Most effectively expedite removal of the discharged oil; and

(2) Minimize secondary pollution from the removal operations;

Note: The Federal OSC is authorized by the provisions of the National Contingency Plan to require or deny the use of specific mechanical methods and sorbents. Sorbent selection considerations of the OSC include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of a mechanical method for containment and recovery.

(b) Control the source of discharge, prevent further discharges, and halt or slow the spread of the discharge by mechanical methods or sorbents or both to the maximum extent possible;

(c) Recover the discharged oil from the water or adjoining shorelines by mechanical or manual methods or both to the maximum extent possible;

(d) Use chemical agents only in accordance with the provisions of Subpart H of the National Contingency Plan and with the prior approval of the Federal OSC; and

(e) Dispose of recovered oil and oil contaminated materials in accordance with applicable State and local government procedures.

[CGD 73-185, 41 FR 12630, Mar. 25, 1976, as amended by CGD 84-067, 51 FR 17966, May 16, 1986]

14. Where is the sludge drying bed located? Is it covered? If it is not covered, it does not seem reasonable to expect that the sludge will dry effectively. See Comments #6 and #10 above concerning placement of contaminated materials on the ground or concrete pad.

The sludge drying bed has been removed and the reference to the sludge drying bed in the permit has been eliminated. See response to comment #6 and #10 above concerning "petroleum" contaminated solids.

15. The information states, "The solids from the decanting separation may be placed in a rolloff box for shipment off site. The petroleum contaminated solid waste from the decanting separation that has recoverable petroleum will be processed in either the Oily Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number 110." This should be revised to, "The solids....will be placed in a rolloff box for shipment off site, or in the Oily Solids Batch Treatment Tank or Cone-Bottom Tanks. It would be helpful if a flowchart was provided which shows each incoming waste stream (oily solids, oily sludges, used oil contaminated booms and pads, used oil contaminated sorbents), processing steps, testing steps, mixing, drying, etc., and final disposition.

The revision to the following sentence will be made pursuant to the Departments request: "The solids from the decanting separation will be placed in a rolloff box for shipment off site, or in the Oily Solids Batch Treatment Tank or Cone-Bottom Tank (TANK 111 or 110)." The flow chart has not been provided.

16. The information states, "The solid waste will be transferred from the sludge drying bed or storage container by using a solids handling vacuum truck. The truck will be used to vacuum the petroleum contaminated solid waste from the storage location into the truck tank." To which "storage location" does this refer? See Comment #5 concerning "petroleum" contaminated solids.

The "storage location" referred to is the location where the solid waste is located in the prior sentence which is either the sludge drying bed or the storage containers. The sludge drying bed has been removed and the reference to the sludge drying bed in the permit has been eliminated. The "storage location" referred to is a container (drum, rolloff box, portable decontamination unit, dump trailer, etc.). The solids are to be transferred into the Oily Solids Batch Treatment Tank or Cone-Bottom Tank (TANK 111 or 110) from the "storage location". See response to comment #5 above concerning "petroleum" contaminated solids.

LIST OF ENCLOSURES

Enclosure I	January 5, 1999 Transmittal Letter of Used Oil Permit Application to Ms. Susan Pelz
Enclosure II	File Memorandum of February 2, 1999 Conference Call to Ms. Pelz
Enclosure III	File Memorandum of April 19, 1999 Conference Call with Mr. Roger Evans and Ms. Suzan Pelz and Transmittal Facsimile
Enclosure IV	EPA Guidance Memoranda from "RCRA Online," dated July 31, 1988 and February 6, 1995
Enclosure V	Catalogue Cut of a Boom and Pad Ringer for Recovering Petroleum

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ATTACHMENT 1

LIST OF DRAWINGS

D - 4 - 1	FIRE FIGHTING EQUIPMENT LOCATION
D - 4 - 2	SPILL CONTAINMENT DIKES PLAN
D - 6 - 1	EMERGENCY CONTAINMENT NO. 1
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D - 8 - 1	PROCESS ~~{& STORAGE }~~[AND] EQUIPMENT [STORAGE] PLAN
D - 8 - 2	ESCAPE AND EVACUATION ROUTES
D - 8 - 3	INDUSTRIAL WASTEWATER PRETREATMENT FACILITY CHEMICAL STORAGE LOCATION PLAN
20782-6-TF-024	SITE LOCATION MAP ST. PETERSBURG, FL - MAP PUBLISHED BY THE GEOLOGICAL SURVEY
125148-0021-B	FLOOD PLAN
10-1	USED OIL CLOSURE SAMPLING LOCATIONS

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-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: ~~{cone}~~ [oily solids batch treatment/cone]-bottom tank, the solids press and ~~{solids drying bed}~~ [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. ~~{(Solid Waste Handling).}~~

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) or Class I landfills (F.A.C. 62-701) by the Florida Department of Environmental Protection. A

TABLE 3-3

STORAGE TANKS IN THE SLUDGE SEPARATION AREA

TANK NUMBER	DIAMETER INCHES	LENGTH INCHES	CAPACITY IN GALLONS	HORIZ/VERT	PRODUCT
108	120	204	9,980	X	IWPP Sludge Tank
109	78	156	3,225	X	Oil Filter Crusher Tank
110*	120	54 CYL. 90 CONE	6,415	X	Cone-Bottom Tank
111 Treatment	120	396	19,380	X – INCLINED	Oily Solids Batch Tank (13.62% INCLINE)

Note: * - Tank 110 consists of a cylinder and cone section. The above tanks are in containment area 5. Total storage tank capacity within containment area 5 is 39,000 gallons. Containment area 5 holds 36,700 gallons.

ITEM 3.9 PROCESSED OIL SHIPMENT AND IDENTIFICATION

The operator loads a clean trailer with processed oil utilizing a certified meter. Upon completion the operator tags the trailer for the driver's identification. The operator includes on the identification tag the customer name, date, storage tank number, trailer number and the ~~{operators}~~ [operator's] identification number. The ~~{drivers}~~ [driver's] packet contains a manifest and a completed meter ticket showing the amount of oil loaded on the trailer.

ITEM 3.10 TRANSPORTATION

Shipments of certified processed used oil are transported to the customer on tanker trailers. Upon arrival the driver unloads the oil on site into the customers storage tank.

ITEM 3.11 INDUSTRIALWASTEWATER PRETREATMENT PLANT

The Company Industrial Wastewater Pretreatment Plant is operating (IWPP) under permit number SPFL-5093-SU-86-32. The Company was issued this permit in accordance with the provisions of Chapter 27, Article V, Sewers and Sewage Disposal, Division 3, Section 27.206-217 of the City of St. Petersburg's ordinance. This permit expires August 31, 1999.

The water extracted during the processing is pumped to the industrial wastewater pretreatment plant for pretreatment prior to discharge in the city sewer system. This process is completed pursuant to the Company's permit by the City of St. Petersburg, but is described here for informational purposes only.

The industrial wastewater pretreatment is performed utilizing the following equipment:

- Batch treatment tank 15,500 gallons.
- Batch treatment tank 7,500 gallons.
- Two air strippers.
- Storage tanks (See Table No. 3-2 for number and function).
- Chemical additive storage tanks.
- Various pumps, piping, valves and filters.
- Chlorine dioxide machine.
- Flow meters with chart recorder.
- Sand filter

The following are sources of untreated waters:

- Industrial wastewaters
- Waters extracted during the oil treatment process
- Petroleum contact waters
- Petroleum contaminated waters

The untreated industrial wastewater tanks accumulate a nominal amount of oil on the surface of the water. The water process operator pulls the water out of the untreated tanks from the bottom until oil is detected. The remaining oil is pumped to the oil plant for processing.

Pretreatment is performed in two batch tanks; one holding 15,500 gallons and the other holding 7,500 gallons. The industrial wastewaters are chemically treated for removal of suspended solids.

Treated water is filtered through the sand filter, after which volatile gases are removed by the use of an air stripper. The water is then sterilized. After this treatment, the treated waters are pumped into treated water holding tanks, tested to assure compliance with the water discharge permit requirements. The water is then pumped through a secondary air stripper and finally discharged into the city sewer system.

ITEM 3.12 USED WASTE ANTIFREEZE

The Company routinely collects waste antifreeze from its customers. The Generator makes a determination that the waste antifreeze is nonhazardous in nature by performing a TCLP (Test Method 1311) for benzene, tetrachloroethylene, trichloroethylene and lead. The Generator may also declare the antifreeze waste stream to be nonhazardous based upon process knowledge. The waste determination may be in the form of a Memorandum, Company letter or signed waste profile. [Knowledge may be used to make a waste determination in accordance with 40 CFR Part 262.11(c)(2), which states "(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used." Testing to make a waste determination will be done in accordance with 40 CFR Part 262.11(c)(1). The testing of a waste stream or the use of

knowledge is sufficient to make a waste determination. The frequency of the waste determination for antifreeze waste streams shall be once, initially, and each time there is a process change. Waste antifreeze streams that are determined to be a hazardous waste will not be handled by the Company unless the material is shipped directly from the generator to a recycler or a permitted hazardous waste treatment, storage or disposal facility.] The Company may treat the [nonhazardous] waste antifreeze in it's industrial wastewater pretreatment plant or ship the [nonhazardous] waste antifreeze to another treatment facility for disposal or recycling. Used oil that is in the antifreeze waste stream is removed by oil water separation. The aqueous phase of the [nonhazardous] antifreeze waste stream is treated under the Company Industrial Wastewater Discharge Permit. Industrial wastewater treatment methods will not be addressed in this permit.

ITEM 3.12.1 USED ANTIFREEZE PRESCREENING

The steps to follow for prescreening are:

- Antifreeze samples are screened visually prior to acceptance to ensure that the waste is the color listed on the product material safety data sheet or waste profile.
- Manifests are completed by the generator which declares the waste antifreeze as non-hazardous.

ITEM 3.12.2 TRANSPORTATION

Used antifreeze may be transported by tanker trucks, vacuum trucks or flat bed trucks utilizing drums.

[ITEM 3.13 USED OIL REPROCESSING

The Company has not had a batch of processed used oil not meet the on-specification requirements to date. However, in the event that a batch of processed used does not meet the definition of on-specification, the batch will be reprocessed and tested until it meets the on-specification requirements.]

ITEM 4.2.1 SAMPLING

Processed oil tanks are filled and allowed to settle. Oils on the bottom of the processed oil tanks are inspected to check for free water and general product appearance. The inspection for free water is a visual inspection to see if water is present. The processed oil tank is agitated using compressed air for approximately a minimum of five minutes, a average of ten minutes or a maximum of 15 minutes. The aeration time will not be recorded. A representative grab sample is taken from the tank. The sample bottle is marked with the tank number, date and operator identification number and is then taken to the laboratory. The analyzed sample is held 30 days for quality control purposes. Periodic grab sampling and analysis is performed on one of the ten processed oil tanks once per month. ~~{The sample is }~~[One processed used oil sample will be obtained and analyzed from the facility per month. That sample will be obtained from one of the ten tanks used to store the processed used oil. The date that the sample will be selected will be determined on the first day of the month by selection on a random basis using Appendix D Random Number Table and Procedure in EPA-600/2-80-018 "Samplers and Sampling Procedures for Hazardous Waste Streams" as referenced by SW-846. On the date the sample is to be collected, the same procedure shall be used to select which tank will be sampled from the population of full tanks at the time of sampling. The sample will be] taken to the laboratory for analysis. ~~{The }~~[A laboratory which uses the appropriate EPA methods will be used to analyze the sample. The processed] used oil will be analyzed for the parameters in Item 4.2.2[, which includes the constituents listed in 40 CFR 279.11 and Polychlorinated Biphenols (PCBs)]. The process oil tank sampled for off site shipment will not have additional used oil added to the tank once the sample has been obtained. The tank will be tagged out to prevent the addition of other wastes that would invalidate the analysis.

The results of the analysis will be input into the Company database for used oil. The analytical results are also compared to the on specification used oil limits in 40 CFR Part 279. The contents of the used oil tank will be managed according to the analysis pursuant to 40 CFR Part 279. The tank contents will be managed on site or shipped offsite based upon the analytical results.

The number of used oil loads shipped off site varies from zero to twenty-five loads per week. The used oil is shipped off site in the greatest frequency when the market conditions are optimal. The typical week would have five to ten loads of used oil being shipped off site.

ITEM 4.2.2 ANALYSIS

Processed oils are [sampled and] analyzed for the constituents listed in Table 4-1 to verify that they meet on specification used oil requirements. [The frequency of sampling and analysis of the processed used oil will be one sample per month. The processed used oil will be analyzed for the parameters in Table 4-1, which includes the constituents listed in 40 CFR 279.11 and PCBs.]

TABLE 4-1

Constituent/Property	Acceptable Limit	Method
Arsenic	5 ppm maximum	EPA 6010
Cadmium	2 ppm maximum	EPA 3050/7130
Chromium	10 ppm maximum	EPA 3050/7190
Lead	100 ppm maximum	EPA 3050/7420
~~{TABLE 4-1 CONTINUED~~ ~~Constituent/Property~~ ~~Acceptable Limit~~ ~~Method~~ ~~}~~Flash point	100° F minimum	EPA 1010
Total halogens	4,000 ppm maximum	EPA 9075, EPA 9077
PCB's	below 2 ppm	EPA 8080

Delivered shipments of on-specification used oil are required to have a Certificate of Analysis, with the receiving customers name, manifest number, date, batch number, analytical results and signature of the Laboratory Analyst.

ITEM 4.3 INDUSTRIAL WASTEWATER

This section is provided for informational purposes, however, the industrial wastewater pretreatment plant is not part of the used oil facility permit application.

ITEM 4.3.1 SAMPLING

Incoming industrial wastewater is sampled using the bailer and analyzed for the parameter and treatability listed in Table 4-2.

ITEM 4.3.2 ANALYSIS

ATTACHMENT 5

ITEM 5.0 SOLID WASTE HANDLING

The Company recovers and processes a variety of oily solids and residues.

ITEM 5.1 PRE-APPROVAL OF OILY SOLID WASTES

The process begins with pre-qualification prior to arrival at the facility. Generators are required to pre-qualify their shipments, utilizing one of the following methods:

- By submittal of a non-hazardous determination from a certified lab.
- By forwarding a sample of the material to the Company laboratory for a non-hazardous determination.
- By submittal of a signed Waste Material Profile Sheet. (See enclosed copy of Generator's Waste Profile Sheet.) (See Table 5-1 Page 5-5)[.]
- By submitting a Waste Material Profile Sheet and a Material Safety Data Sheet on virgin material only.

[Only one of the above alternatives is necessary to make a nonhazardous waste determination. A certification by the generator that the waste stream is nonhazardous based upon process knowledge is sufficient to make a waste determination in accordance with 40 CFR Part 262.11. Knowledge may be used to make a waste determination in accordance with 40 CFR Part 262.11(c)(2), which states "(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used."] Once the determination has been made regarding acceptance of the material, the Company will assign a manifest number identifying the waste and the generator. Copies of these documents are kept on file in the sales department for a minimum of three years.

Non-hazardous determinations will be made based upon the parameters and acceptable limits shown in Table 4-3.

ITEM 5.2 REMOVAL OF OILY SOLIDS FROM USED OIL PROCESSING

Oily solids are removed from used oil at the vibrating mesh screen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the Company. [The oily solids may be placed in a drums, roll off box, decontamination box, mobile decontamination box, or other container for storage.] The oily solids discussed in this Item are generated at the Company.

ITEM 5.2.1 SOLIDS REMOVED BY THE VIBRATING MESH SCREEN

Solids removed by the vibrating mesh screen are collected in a drum. The solids in the used oil are removed by physical separation in the vibrating mesh screen. The vibration moves the solids off the filter surface into the drum. When the drum is nearly full, the contents are vacuumed out and taken to the sludge separation area for processing. [The vibrating mesh screen solids may be sent directly to a solid waste landfill without processing or may be processed for oil recovery.] The spent solids are pumped into the oily solids batch treatment tank for separation. The contents of the oily solids batch treatment tank can be heated to enhance oil separation with or without the addition of a deemulsifier. The remaining liquids including recoverable oil [and water] are pulled off through decanting lines and returned to the oil plant for re-processing. [The water will be sent to the industrial wastewater treatment facility.] The oily solids removed from the oily solids batch treatment tank are a solid waste generated onsite by the Company used oil processing. The oily solids batch treatment tank is sloped and has a vibrator that can be used to remove the oily solids. The oily solids are next placed into the cone bottom tank or into a roll off box. The cone bottom tank is used to (1) further separate used oil from the oily solids by gravity separation and (2) to solidify the oily solids. The oily solids placed into a roll off box are then mixed with a solidification agent and allowed to dry. The solidification agent may be [clean] soil, fly ash or ~~{spent}~~ absorbent material that is ~~{brought to the facility}~~ [purchased] specifically for solidification purposes or generated onsite from used oil processing. Upon completion of the drying, the solids are loaded into trucks and transported to a permitted landfill facility or thermal remediation facility for disposal.

ITEM 5.2.2 OILY SOLIDS REMOVED FROM STORAGE TANKS

The oily solids removed during the storage tank cleaning operation utilizing a vacuum truck, are pumped into ~~{a liquid /solid separation container}~~ [the Oily Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number 110]. The continuation of the processing is identical with the one described in 5.2.1 utilizing the oily solids batch treatment tank and the cone decanting tank for oil separation. The storage tanks are located at the Company's facility or at a client's facility. The Company will have the sludge removed from the tanks as necessary for operational maintenance and at least once every ten years.

Used oil that is transported to the Company for processing will contain oily solids that are removed from the used oil at the facility. The oily solids are generated as a solid waste at the Company when they are removed from the used oil waste stream. Oily solids are removed from the Company tanks during tank cleaning operations. These oily solids are removed using a vacuum truck. The oily solids are first placed into the oily solids batch treatment tank. The treatment is identical to that described in 5.2.1. The water and oil is returned to the oil plant for re-processing. [The water will be sent to the industrial wastewater treatment facility.] Oily solids remaining in a tanker after off loading the used oil are placed into the either the oily solids batch treatment tank or the cone decanting tank for used oil recovery. The oily solids removed from the cone separation tank after processing are at that point deemed to be generated as a solid waste. Disposal will be at a permitted landfill or thermal treatment facility. The thermal treatment facility will have the proper ~~{variance}~~ [FDEP-approved alternate procedure] to treat the oily solids waste stream in accordance with F.A.C. 62-775. [The oily solids that meet the definition of

"Petroleum Contaminated Soil" in accordance with F.A.C. 62-775 will be sent to a permitted facility for thermal treatment or disposal at a solid waste landfill.]

ITEM 5.2.3 SAMPLING PLAN FOR SOLIDS

Solids samples will be taken annually by a plant technician or chemist. Each sample will be collected in an eight ounce glass jar using a scoop. The test results will be used to provide the base information for product knowledge.

Note: Constituents to be sampled for are listed in Table 4-3 page 4-5 of the permit application.

ITEM 5.3 INCOMING OIL SOLIDS ACCCEPTANCE CRITERIA

The Company receives a variety of petroleum contaminated products from its customers. Oily solids in trucks, drums and vacuum trucks are accepted. ~~{Petroleum solids, petroleum impacted}~~ [Solids,] soils and ~~{used}~~ absorbent materials are processed for used oil recovery [or they are sent to a landfill or thermal treatment facility. The petroleum contaminated solid waste will contain a recoverable amount of petroleum. Solid waste that produces a sheen when placed into water will be deemed to contain a recoverable amount of petroleum]. If applicable to the product, further decanting is performed to recover oils available for recycling. The oily solids which do not require further decanting or if decanting is not possible due to the consistency of the product, ~~{the solids}~~ are then processed in the Oily Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number 110 ~~{and}~~[. The processed solids are] shipped to a permitted thermal remediation facility or to a landfill. [Wastes from which recoverable oil cannot be obtained or recovered will be managed at the facility. The oily wastes from which used oil cannot be recovered will be stored in containers and shipped to a landfill or a thermal treatment facility. The oily solids may be consolidated with other solids prior to shipment.] The equipment used in this process are: Front[-]end loader, vacuum truck, hoses and hand tools.

[The solids received by the Company for Used Oil Processing are transported to the facility in containers that meet Department of Transportation (DOT) regulations. Solids received in drums are removed from the truck and placed into the drum storage area for processing or disposal. The contents of the drum will be placed into the appropriate processing area or roll off box. Used oil filters will be processed through the used oil filter press. The spent absorbent pads and booms will be processed in the Drum Crusher or Filter Press. Granular absorbents, soils, sludges and other solids will be vacuumed from the drums using a vacuum loader and will be placed into either tank 110 or 111 for processing. The solids removed from tanks 110 or 111 will be gravity drained into a roll off box or dump trailer. The processed solids in the roll off box or dump trailer will be solidified if deemed necessary to pass the paint filter test prior to off site shipment. No material will be dumped onto the ground or concrete slab in the used oil container storage area. The spent absorbent pads, booms, granular absorbents, soils, sludges and other solids contaminated with used oil may be transferred or consolidated into a roll off box for disposal at a landfill without under going used oil processing.

A vacuum loader is used to move solids from storage containers into the used oil solids

processing tanks (Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number 110).

The containers that contain processed items will be labeled "Processed solids". Incoming wastes received from off site will be marked with the proper Department of Transportation shipping name and label. Containers will be marked "Used Oil", "Used Oil Filters", "Nonhazardous Waste", "Spent Used Oil Granular Absorbent", "Spent Used Oil Pads", "Spent Used Oil Boom" or other words that appropriately describe the waste stream.]

ITEM 5.4 UNLOADING OF OILY SOLID WASTES

Oily solids arriving in drums or dump trucks are unloaded into a container, which is on a concrete pad prior to processing. ~~{A}~~ [The] concrete pad [is] surrounded on three sides with block walls and on the north side by a collector channel drainage trench. The collector channel is used to collect liquids from the solid press as well as from the ~~{drying bed}~~ [used oil container storage area] which are piped to the oil processing plant. Solids received from vacuum trucks are pumped off the truck into ~~{a liquid /solids separator decanting tank.}~~ [the Oily Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number110. Heavy solids may be placed into a decontamination unit when removed from vacuum trucks.]

ITEM 5.5 PROCESSING OF OILY SOLID WASTES

ITEM 5.5.1 PETROLEUM SOLIDS (Including soils and used absorbent material)

The contents of the cone-bottom tank can be heated to enhance oil separation with or without the addition of a deemulsifier. Liquids may be extracted from petroleum solids by use of the cone separation tank. The liquids are extracted from the cone tank from pipes attached to the tank. These lines are about every two feet along side of the tank. Liquids may be gravity drained off at different levels using these lines. The liquids are then trucked to the plant receiving area for sampling and analysis prior to unloading. The liquids are distributed into tanks according to the contents for recycling. The oily solids removed from the cone-decanting tank are a solid waste generated onsite by the Company used oil processing. The remaining oily solids are then mixed with a solidification agent and allowed to dry. The solidification agent may be soil, fly ash or spent absorbent material that ~~{is brought to the facility specifically}~~ [has been purchased] for solidification purposes or generated onsite from used oil processing. ~~{Upon completion of the drying the solids are loaded into trucks and transported to a permitted landfill facility or thermal remediation facility for disposal.}~~ [The solidification and loading activities are conducted in the used oil container storage area near the West End of the facility. The mixing is conducted in a roll off box. The waste that is being solidified is mixed with solidification agents by hand or mechanical mixing device. The solidified solids are loaded onto a roll off box which is transported off-site by truck for disposal]

A waste determination in accordance with 40 CFR Part 262.11 will be made once a year on the oily solids entering the facility by the generator of the waste stream.

A waste determination in accordance with 40 CFR Part 262.11 will be made once a year on the oily solids removed from the ~~{cone separation tank.}~~ [Oily Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number110.]

ITEM 5.5.2 BOOMS AND PADS

The booms and pads are processed by the hydraulic press to remove used oil [or petroleum. The term hydraulic press refers to either the filter crusher or the drum crusher as both of these units are hydraulic presses]. The processed used oil booms, pads and paper filters are placed into a roll off box and sent to the Pinellas County Waste Energy Plant or other permitted facility. The used oil recovered from the booms and pads is placed into the used oil recovery process. [The booms and pads contaminated with used oil may be transferred or consolidated to a roll off box, which is shipped off site for disposal without processing.]

ITEM 5.6 PETROLEUM CONTAMINATED SOLID WASTE

Petroleum contaminated ~~{solid waste}~~ [materials] will be processed in the sludge separation area and ~~{sludge drying bed}~~ [used oil container storage area] at the Company's facility [in order to reclaim petroleum for fuel]. Petroleum contaminated ~~{solid waste includes}~~ [materials include] sludges, oil dry, absorbent material, soil, debris, wood, clay, concrete, spent blast media, and other petroleum residuals that are classified as a nonhazardous waste. The petroleum contaminated solid waste may be generated on or off site. The petroleum contaminated ~~{solid waste}~~ [materials] will contain a recoverable amount of petroleum. ~~{Solid waste}~~ [Materials] that ~~{produces}~~ [produce] a sheen when placed into water will be deemed to contain a recoverable amount of petroleum. The petroleum contaminated solid waste will first be decanted to remove free ~~{oil}~~ [petroleum] in the sludge separation area and ~~{sludge drying bed}~~ [used oil container storage area]. The solids from the decanting separation may be placed into a roll off box for shipment off site. The petroleum contaminated solid waste from the decanting separation that has recoverable petroleum will be processed in either the Oily Solids Batch Treatment Tank Number 111 or the Cone-Bottom Tank Number 110. The batch processes for these tanks have been described in Items 5.2.1 and 5.5.1, respectively. [Non-fuel residuals will be managed as solid waste. The fuel recovered from solids will be managed with the used oil pursuant to 40 CFR 279.10(d)(1).]

The solid waste will be transferred from the ~~{sludge drying bed or}~~ storage container by using a solids handling vacuum truck. The truck will be used to vacuum the petroleum contaminated solid waste from the storage location into the truck tank. [The "storage location" referred to is a container (drum, roll off box, portable decontamination unit, decontamination box, dump trailer, etc.). The solids are to be transferred into the Oily Solids Batch Treatment Tank or Cone-Bottom Tank (TANK 111 or 110) from the "storage location".] The vacuum operation will be stopped when the tank becomes full. The truck will be switched to the pressure mode and the solids will be transferred to the top of either tank 110 or 111.

[The solids from the decanting separation will be placed in a roll off box for shipment off site, or in the Oily Solids Batch Treatment Tank or Cone-Bottom Tank (TANK 111 or 110). The decanting separation will be conducted in a roll off box or decontamination box.]

TABLE NO. 7-3

INCIDENT COORDINATORS

Primary Incident Coordinator

~~{Tim Morris~~

~~2079 Brenda Road~~
~~Clearwater, FL 33755~~

~~Home #: 813-461-5771~~

~~Beeper #: 813-570-0588}~~ [David Roehm
9487 123rd Way North
Seminole, FL 33772

Home #: 727-397-6723

Beeper #: 727-638-2131]

Secondary Incident Coordinator

Tim Hagan
3913 46th Avenue South
St. Petersburg, FL 33711

Home #: ~~{813-867-3913}~~ [727-528-2958]

Mobile #: ~~{813-439-}~~[727-638-]3000

TABLE 8-2

INCIDENT COORDINATORS

Primary Incident Coordinator

~~{Tim Morris~~

~~2079 Brenda Road~~
~~Clearwater, FL 33755~~

~~Home #: 813-461-5771~~

~~Beeper #: 813-570-0588}~~ [David Roehm
9487 123rd Way North
Seminole, FL 33772

Home #: 727-397-6723

Beeper #: 727-638-2131]

Secondary Incident Coordinator

Tim Hagan
3913 46th Avenue South
St. Petersburg, FL 33711

Home #: ~~{813-867-3913}~~ [727-528-2958]

Mobile #: ~~{813-439-}~~[727-638-]3000

Should soil samples be found contaminated, groundwater will be sampled from the nearest hydraulically down gradient monitor well and analyzed by the above EPA methods, unless the soil analysis indicated a requirement for more appropriate analysis. If the location of the contaminated soil is such that an existing monitor well location is not appropriate, a monitor well will be installed in the source area and the appropriate sample taken. The Company will submit a Post-Closure Plan for FDEP approval if clean closure cannot be attained. This plan will respond to those areas and elements where clean closure could not be accomplished.

The sampling locations are shown in Figure 10-1. Five (5) soil samples will be obtained from each of the tank farm locations as indicated. One (1) soil sample will be obtained at the storm water drain area and one (1) soil sample will be obtained from the oil water separator (located outside the wall). Six (6) soil samples will be obtained from the southwest portion of the facility. One (1) soil sample will be obtained from each of the four corners of the southwest section. One (1) soil sample will be obtained from the sump in the truck wash area in the southwest section. One (1) soil sample will be obtained at the ~~{sludge drying bed}~~ [used oil container storage area] in the southwest section. Soil samples will be collected and analyzed for the above listed parameters. The soil samples will be taken at from the surface to 24 inches below ground surface at each sampling location. The soil will be analyzed, as set forth above, to differentiate any eligible petroleum contamination from ineligible contamination.

The remaining areas of the Company facility will have five soil samples obtained from the surface to 24 inches below ground surface. The sampling locations will be determined by using Appendix D Random Number Table and Procedure in EPA-600/2-80-018 "Samplers and Sampling Procedures for Hazardous Waste Streams" as referenced by SW-846. A sampling grid method will be used. Drawing 10-1 has the grid laid out over the area not covered by the other closure sampling activities. The sampling grid is numbered from the northeast corner to the southwest corner. Five random numbers between one and the total number were obtained from Appendix D of "Samplers and Sampling Procedures for Hazardous Waste Streams". These areas are shown in Drawing 10-1 with an X in the grid. The sample is to be obtained from the center of the X or the center of the grid box for each of the five locations.

ITEM 10.3 DECONTAMINATION

Residue collected from integral piping, tanks and equipment will be evaluated, and, if possible, will be used beneficially for energy recovery. Residue not managed as stated above will be disposed of using a recycling or thermal treatment facility permitted to manage used oil residues. Based on analytical test results, a composite sample from two (2) receiving tanks and two (2) finished product tanks will be collected in accordance with SW-846 or equivalent methods at the time of closure and characterization tests will be in accordance with the disposal facilities FDEP defined test parameters.
Decontaminated tanks and piping will be sold or disposed of as scrap to a metal recycling facility. The used oil tanks and piping will be decontaminated by pressure washing until the rinse water is visually clean.

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Mr. Tim Hagan
Howco Environmental Services
3701 Central Avenue North
St. Petersburg, Florida 33713

July 12, 1999

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

Re: Sampling and Analysis Plan prepared by ENVIRONEERING, INC. on Howco's behalf and submitted to FDEP as part of Howco Environmental Services Used Oil Permit Application

Dear Mr. Hagan and Mr. Tam:

The following summarizes my professional opinion regarding the Sampling and Analysis Plan prepared by ENVIRONEERING, INC. on Howco's behalf and submitted to FDEP as part of Howco's Used Oil Permit Application:

Based upon the information presented to me and analysis of the historical data on Howco's finished product made available to me, and assuming no significant change in its operations or sources of raw material/used oil (or that typical changes in operations or sources are reflected by the variability of the data provided), from a statistical standpoint Howco can reasonably conclude that it only needs to sample one outgoing load per month in order to continue to support its claim of process knowledge and the "on-specification" character of its product. The one load must be randomly selected; that is, of each of the loads produced during that month must be equally likely to be chosen for assay. This can be accomplished by purchasing 31 beads (30 "red" and one "black"). After a tank has been filled determine the number of "work" days left in the month (including that day). The following example illustrates how to proceed. If for example there are 17 work days left in the month, put 16 red beads and one black bead in an envelope and "blindly" draw a bead. If the black bead is chosen sample a batch of finished product on that day. If more than one tank of finished product are available for sampling (there are a total of four

tanks at this time), then do another envelope with the number of tanks available (all red beads except for one black bead) to determine which finished product tank is sampled. Once a tank has been sampled, terminate the procedure until the first day of the next month and start with the number of work days in that month. If by the last day of the month no load has been selected for sampling, then sample on the last day of the month.

This opinion is based on a review of the Sampling and Analysis Plan prepared by ENVIRONEERING, INC., for Howco's UO Permit application, the analytical data attached thereto, and EPA SW-846. Three issues raised in EPA SW-846 are germane. They are:

1. Representative samples of product should be selected. That is, they should exhibit "average properties" of the product produced during the period of interest. I have no reason to believe that the samples selected are not representative. These samples were collected using a methodology and device to ensure a representative sample of the contents of each tank that was sampled was taken. Furthermore, these were composite samples (blended) which tends to reduce the total sampling effort required (according to EPA SW-846) to achieve desired levels of precision and accuracy. However, the determination of which tanks to sample was not random. That in itself does not indicate that the samples (tanks selected) are "non-representative". I have been advised that the sampling was haphazard but not biased. Considering that at least thirty percent of the loads produced during the period were sampled for each constituent/property it is reasonable to assume that the product sampled was representative. In addition, the total halogen level was tested in virtually all loads during the sampling period and these levels showed no systematic differences between those loads corresponding to loads sampled for other constituents/properties and those loads for which no sampling was done.

2. Samples should be collected over a period of time sufficient to represent the variability in the product. The period from October 15, 1998 to April 15, 1999 is more than sufficient to meet this criterion.

3. The sampling plan should assure sufficient accuracy and precision to reliably estimate characteristics (constituents/properties) so as to allow comparison to regulatory thresholds. The sample sizes for estimating constituents/properties were sufficiently large and the variability (estimated by the standard deviation) sufficiently small to accurately estimate each of the seven constituents/properties. Based on these estimates on can assert with high confidence that using methods, materials and practices identical with those

used during the sampling period that the average values for the seven constituents/properties will be well within regulatory thresholds.

The EPA SW-846 recommended procedure for ascertaining whether the regulatory threshold for a constituent/property is being met is straightforward. Estimate (that is, make a scientific and statistically based "guess" using a representative sample) the average value of the constituent/property. Then, to make the estimate conservative, "fudge" the estimate in the direction of the regulatory threshold. In particular, SW-846 recommends the use of an 80% confidence interval. In the "Used Oil Processing Facility Permit Statistical Analysis" prepared by ENVIRONEERING, INC, a 95% (higher and more conservative than the EPA recommended 80% confidence interval) method was used to demonstrate that each of the seven constituents/properties were within regulatory thresholds. That is, seven constituents/properties are at nonhazardous levels when the product made under operating conditions prevailing during the study.

The opinion in (3) regards a proper methodology for determining that the product continues to be such that the regulatory thresholds are not being exceeded. The technical justification for the opinion in number (3) is that using the upper confidence limit as an estimate for the constituents/properties averages (for Flash Point use the lower confidence limit) this estimate for the mean value of each constituents/properties is so far from the regulatory thresholds that under existing operating conditions the chances of a load exceeding the threshold is less than 1/100,000 for each of the constituents/properties (except for Flash Point, which is 1/890). In addition, using the formula provided in EPA SW-846 for recommended sample sizes yields a sample size of one. That is, using the formula leads to selecting one load per sampling period.

Technical addenda:

1. The 95% confidence intervals produced by ENVIRONEERING, INC. are correct for estimating constituents/properties averages for the period during which sampling took place and are more conservative than 80% intervals (that is, they are less favorable to Howco). However the proper scope of inference for this study is probably product made under operating conditions prevailing during the study so that you can extend this prospectively. With that in mind, I would recommend dropping the finite population correction factor from the calculations. The "correct" values are in the appended spreadsheet on worksheet "summary". This changes none of the conclusions. Note that I recommended to ENVIRONEERING, INC. that the finite population correction factor be used, however, at that time I did not fully understand the problem.

2. When using the one load per month sampling plan to validate that the product is still within regulatory thresholds, I recommend comparing the sample average + 2.5 SD to the regulatory threshold, where SD (the standard deviation) is the value produced during the sampling period for this study. This method will have over a 99% chance of detecting a shift in the constituents/properties average to the regulatory threshold. This method will be illustrated for Total Halogen.

   For example, suppose a sample tank has Halogen level 812.1 ppm. The standard deviation (estimated during the study period) is 114.6 ppm. Compute comparison value = observed level + 2.5 SD = 812.1 + 2.5×114.6 = 1098.6 ppm. Compare this value to the regulatory threshold. That is, since 1098.6 ppm < 4,000 ppm the load is nonhazardous and one can conclude that the product is still "on-spec". This must be done with each constituent/property. The standard deviation should be periodically updated. The following method will work: After twelve months of monthly testing, recalculate the standard deviation using that twelve values and the six most recent values from the ENVIRONEERING, INC report. That is, use a total of eighteen values. Then every six months drop the oldest six values and add the most recent six values. Using this method the most recent eighteen values will be used to calculate the standard deviation (SD). Note that the problem with just comparing the sample means with the regulatory thresholds is that in the case where a constituents/properties average has shifted to the regulatory threshold you have only a fifty-fifty chance of detecting the shift.

Should you have additional questions or concerns please contact me.

Sincerely,

Peter S. Wludyla, Ph.D.

Credentials/ Quick Vita:

Peter S. Wludyka, Ph. D.

Education
B.S. Economics (1965) University of South Carolina
M.S. Mathematics (1975) University of South Carolina
Ph.D. degree (1994) in Management Science from Clemson University

Employment
Assistant Professor of Statistics at the University of North Florida since 1994.

Areas of research, expertise and publication
Statistical Quality Control, Design of Experiments, and Industrial Statistics

Consulting Experience
Director of the UNF Center for Research and Consulting in Statistics since 1997
Private consultant since 1994.

Summary Worksheet Containing Confidence Interval Estimates for Constituents/Properties
HOWCO ENVIRONMENTAL SERVICES, INC.
July 12, 1999

80% Confidence intervals

constituent/property	RT	mean	SD	n	Margin of error	UCL	LCL	n*	(RT-Mean)/SD	(RT-UCL)/SD	P(>RT)
Arsenic	5	0.1	0.5	24	0.135	0.235	0.000	1	9.80	9.530666191	0.000000
Cadmium	2	0.1	0.1	27	0.025	0.125	0.075	1	19.00	18.74693343	0.000000
Chromium	10	0.4	0.9	27	0.228	0.628	0.172	1	10.67	10.4136001	0.000000
Lead	100	22.3	6.8	27	1.721	24.021	20.579	1	11.43	11.17340402	0.000000
Flash Point	100	190.8	26.1	24	7.030	197.830	183.770	1	3.48	3.209593394	0.000665
Total Halogen	4,000	759.4	114.6	83	16.252	775.652	743.148	1	28.28	28.13567576	0.000000
PCB	2	0.233	0.049	26	0.013	0.246	0.220	1	36.06	35.80306784	0.000000

95% Confidence intervals

constituent/property	RT	mean	SD	n	Margin of error	UCL	LCL	n*	(RT-Mean)/SD	(RT-UCL)/SD	P(>RT)
Arsenic	5	0.1	0.5	24	0.211	0.311	0.000	1	9.80	9.378	0.000000
Cadmium	2	0.1	0.1	27	0.040	0.140	0.060	1	19.00	18.604	0.000000
Chromium	10	0.4	0.9	27	0.356	0.756	0.044	1	10.67	10.271	0.000000
Lead	100	22.3	6.8	27	2.690	24.990	19.610	1	11.43	11.031	0.000000
Flash Point	100	190.8	26.1	24	11.021	201.821	179.779	1	3.48	3.057	0.001119
Total Halogen	4,000	759.4	114.6	83	25.024	784.424	734.376	1	28.28	28.059	0.000000
PCB	2	0.233	0.049	26	0.020	0.253	0.213	1	36.06	35.657	0.000000

January 5, 1998

ENVIRONEERING, INC.
109 Azalea Point Drive South
Ponte Vedra Beach, FL 32082

Ms. Susan Pelz
Florida Department of Environmental Protection
Southwest District
Solid Waste Section
3804 Coconut Palm Drive
Tampa, FL 33619

Reference: HOWCO Environmental Services Used Oil Processing Facility Permit- Application

Dear Susan:

ENVIRONEERING, INC. has revised the referenced Used Oil Processing Facility Permit Application for HOWCO Environmental Services. The enclosed copy of the Used Oil Permit Application is provided for your review pursuant to our discussions on October, 15 and November 16, 1998. The Used Oil Permit Application covers the handling of oily and petroleum contaminated solids by HOWCO Environmental Services.

The Enclosure (1) copy of the "The Oil Drop" pages 8 and 9 as published by the United Association of Used Oil Services (UAUOS) in December 1998 is provided for your review. The article states that the limited processing of soils and sludges should not require a separate permit based upon Rule 62-701.320(13) F.A.C. The FDEP rule clearly provides that a used oil recycling facility does not need to obtain a separate solid waste management permit so long as sludge and solid waste management is rationally and reasonably related to the facility's used oil recycling operations. FDEP would be acting contrary to its own rules in requiring a separate solid waste facility permit, or imposing requirements beyond those specifically set forth in the used oil management standards of Chapter 62-710, F.A.C. Please provide a written response as to the need for HOWCO Environmental Services to obtain a solid waste permit for the activities covered by the enclosed Used Oil Processing Facility Permit Application.

I can be reached at (904) 665-0100 or mobile (904) 612-1456 if you should have any questions or need additional information.

Sincerely,

Timothy W. Rudolph, P.E., L.A.C.
President
<HFS-17 DOC TWR>

cc: Mr. Tim Hagan, President/CEO

ENCLOSURE (1)
ENVIRONEERING LETTER DTD 7/20/99

Tim Rudolph - 904-665-6101

Legal Lines

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

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

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

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

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

(a) used oil filter transporters;

(b) used oil filter transfer facilities;

(c) used oil filter processors; and

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

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

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

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

In summary, a person who transports used oil filters, but does not store the filters for more than 10 days, needs only to register with DEP as a used oil filter transporter. It should be noted, however, that disposal of used oil filters in a landfill or commingling of such filters with other solid waste for disposal in a landfill is prohibited in Florida.

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

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

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

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

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

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

ENCLOSURE (1)

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

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

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

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

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

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

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

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

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

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

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

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

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

ENVIRONEERING, INCORPORATED

Memorandum

By: Tim Rudolph, President, ENVIRONEERING, INC.

CC: Tim Hagan, President, HOWCO Environmental Services, Inc.

Date: 4/28/99

Re: USED OIL PERMIT RESPONSE INPUT FROM FDEP ON 4/19/99

USED OIL RESPONSE

The FDEP representatives Roger Evans and Al Gephart called me to discuss the last submittal on the HOWCO Used Oil Permit dated 5 April 1999. The following items were discussed for changes to the permit application. Final changes are subject to review and approval by Mr. Tim Hagan. The conversation lasted from 10:00 am until 12:05 PM.

Roger requested that the title for Drawing D-8-1 be changed from "Process and Storage Equipment Plan". I suggested that the title be changed to "Process and Equipment Storage Plan".

The chemicals used at the facility were discussed next. I told Roger that the only chemical used for processing used oil at the facility was the deemulsifier, which had been added to the drawings. Roger requested that the industrial wastewater chemical storage locations be shown on drawing D-8-1.

Roger requested that a new drawing be provided for drawing D-4-2 that replaced tanks A and B with their correct tank numbers of 190 and 191. I told Roger that the requested change would be made.

Roger stated that the changes to section 3.12 were not what he wanted. Roger stated that waste antifreeze that is recycled would not require a TCLP analysis. Waste antifreeze that is sent to the Industrial Wastewater Plant must be tested for TCLP benzene, tetrachloroethylene, trichloroethylene and lead. I stated that waste antifreeze was allowed to have a waste determination made based upon generator knowledge or TCLP testing. A written response will need to be provided.

ENCLOSURE (III)
ENVIRONEERING LETTER DTD 7/20/99

Section 4.2.1 was discussed next. Roger and Al would like to have the minimum, average and maximum times for aerated mixing of the tanks defined with a written response for the air stripping issue. I stated that a response would be provided. It was requested that the word analyzed be added to the seventh sentence of the first paragraph of this section to clarify that the sample was placed into storage after being analyzed. I concurred with the request.

The changes to items 5.2.1 and 5.2 will need to double-checked.

Ms. Suzan Pelz joined the discussion for the solid waste issues. Susan stated that she would provide alternate words to the FDEP requested "Virgin Material" for solidification agents used at the company.

Suzan requested that Clark Environmental Services, Inc. be added to the thermal treatment facility statement in section 5.2.2 because it is the only local facility with the proper variance to receive the waste stream. I concur with the change.

Suzan asked how the boom and pads were to be crushed. I stated that they would be crushed either in the used oil filter crusher or the drum crusher. (Pursuant to a discussion with Mr. Tim Hagan the booms and pads are crushed in the drum crusher) Suzan stated that she wanted a letter, from the manufacturer of the unit these items were crushed in, that stated the equipment was designed to remove oil from booms and pads.

Suzan requested that additional sentences be provided for roll off storage and the transfer of solids from tanks 110 and 111 to the roll off boxes.

The next discussion was on what constituted a recoverable amount of petroleum hydrocarbons. I stated that under the state and federal Coast Guard Regulations that a sheen on the water surface was considered a recoverable amount of petroleum hydrocarbon. Oily solids that produced a sheen when placed into water would be deemed to have a recoverable amount of petroleum hydrocarbon. Suzan, Roger and Al agreed with this definition.

Susan requested that the containers of processed waste be marked in a way to distinguish them from the unprocessed waste for inspection purposes. I concurred.

Suzan requested that a paragraph be added on the transfer of solids from the pad to tanks 110 and 111. I stated that current method of transfer was by vacuum truck.

The storm water management at the facility was discussed next. The drum storage area and solids processing area drains into a center collection area that runs through an oil water separator before discharge. The tank farm area drains into a collection sump. The water is pumped into a gravity oil water separator before discharge.

The hazardous waste consent order was mentioned briefly by Roger without discussion of any details.

Suzan requested that item 5.6 be changed in the following ways. The words "may or may not" be changed to "will" in the fourth sentence. The fifth sentence should be deleted. I concurred.

Suzan stated that she would do the review from the solid waste viewpoint when the next submittal had been completed. Suzan departed the meeting.

Roger would like new drawings submitted with the contingency plan (Attachment 6).

Roger requested that Attachment 10 reference to 40 CFR 265.310 be deleted. I concurred.

Roger stated that he wanted a written response to every item in the last FDEP letter and this telephone conversation. I told him that it would be done.

TIMOTHY W. RUDOLPH, P.E.
PRESIDENT
ENVIRONEERING, INC.
<HES-25.DOC>

cc: Roger Evans

EPA United States Environmental Protection Agency

RCRA Online OFFICE OF SOLID WASTE

Record Detail

Full Document:	
Title:	REGULATORY STATUS OF RESIDUAL AVIATION FUELS THAT ARE BURNED FOR ENERGY RECOVERY
Date:	02/06/95
To:	Osborne
From:	Petruska
Organization of Recipient:	United Beechcraft, Inc.
Description:	off-specification fuels (e.g. gasoline, kerosene, jet fuel, diesel) are not solid waste when burned for energy recovery because they are used for their intended purpose; manner in which fuels become off-specification generally not relevant, unless fuels mixed with or contaminated by non-fuel hazardous waste; many uses as fuel are legitimate burning for energy recovery
Part(s) & Subpart(s):	261 Subpart A
Section(s):	261.2(c)(2)
Statutory Citation(s):	NA
Topic(s):	Burning, Combustion of Hazardous Waste, Hazardous Waste, Hazardous Waste Recycling, Treatment
Approximate Number of Hardcopy Pages:	2
Fax-On-Demand Code:	11938
EPA Document Number:	NA
RPC Number:	02/06/95 - 1
RPPC Number (if applicable):	9441.1995(04)
NTIS Number (if applicable):	NA
OSWER Directive Number (if applicable):	NA
Ordering & Availability:	**Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346**

View Record Detail

Faxback 11938

9441.1995(04)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

February 6, 1995

Mr. John W. Osborne
Manager of Safety and Environmental Quality
United Beechcraft, Inc.
P.O. Box 2966
Wichita, Kansas 67201-2966

Dear Mr. Osborne:

Thank you for your letter dated October 18, 1994, requesting an interpretation regarding the regulatory status of residual aviation fuels that are burned for energy recovery.

As you correctly note in your letter, off-specification fuels, including gasoline, jet fuel, kerosene, diesel, etc. that exhibit a hazardous characteristic and are burned for energy recovery are excluded from regulation under RCRA as commercial chemical products. The RCRA regulations provide that commercial chemical products are not solid wastes when used as fuels (i.e., burned for energy recovery) if that is their intended purpose (40 CFR 261.2(c)(2)(ii)).

According to your letter, there are a number of different ways in which the residual aviation fuels are generated by your company (e.g., during maintenance of the aircraft, as a result of spills, etc.). You ask whether the manner in which the residual fuels are generated is a factor in determining whether they meet the definition of off-specification commercial chemical products under RCRA. The answer, in most cases, is no. The manner in which the fuels become off-specification is not generally a factor in determining how they are regulated. One exception is when the fuels have been mixed with or contaminated by non-fuel listed or characteristic hazardous wastes. In that case, the off-specification fuel would be regulated as a hazardous waste under RCRA even when burned for energy recovery.

There are also a number of potential uses for the off-specification aviation fuels that you generate, all of which involve burning for energy recovery, according to your letter. The residual aviation fuel may be upgraded to specification by blending it with other types of fuel (e.g., gasoline, diesel, etc.) and then used to fuel aircraft or it may be used to power boilers and industrial furnaces. Your question is whether these uses would be considered "use within the intended purpose" as

defined by RCRA. The answer is yes. As long as the residual fuels are being legitimately burned for energy recovery, they would be considered as being used for their intended purpose. EPA does not distinguish between different types of burning for energy recovery for purposes of determining the regulatory status of residual fuels under 261.2(c)(2)(ii).

It is important to note that EPA Regions and States authorized to implement the hazardous waste program make determinations regarding the requirements that apply to specific materials and facilities. Some States have programs more stringent than the Federal hazardous waste program. I hope this letter addresses your concerns. If you have additional questions, please call Becky Daiss of my staff at (202) 260-8718.

Sincerely,

Michael J. Petruska, Chief
Regulatory Development Branch

Attachment

United Beechcraft, Inc.
P.O. Box 2966
Witchita, KS 67201-2966

October 18, 1994

Mr. David Bussard, Director
Characterization and Assessment Division
EPA
401 M St. S.W.
Washington, D.C. 20406

Dear Mr. Bussard:

We would like to obtain an interpretation of the status of our residual/waste stream of aviation gasoline and jet fuel.

In a letter (copy attached) from Mr. Devereaux Barnes to Mr. Joe Haak a similar situation is discussed and interpreted. We want to be sure of any extension of the interpretation to our particular situation so that we remain in compliance with the regulations.

To put the interpretation request in context, our company is comprised of 17 on-airport facilities that provide a variety of services to the aviation community. As a result of the services and due to the stringent fuel quality specifications that must be adhered to in order to ensure safety of flight, a residual fuel is generated.

There are generally four situations that may generate this residual fuel as the following describes.

1. In the process of quality control of the fuel, we sump small

quantities of fuel at various points in the storage-to-aircraft fueling system. The result is a residual fuel that has some water from condensation, rust particles and so on.

2. At times in the maintenance of the airplanes, fuel lines or tanks are required to be emptied in order to accomplish the needed repair task. If the fuel can not be returned to the aircraft it came from, it is collected as a residual fuel.

3. In the process of receiving, storing and transferring of fuels or in the maintenance of the fuel system or aircraft refuelers small drippages result in the generation of residual fuel.

4. And the last case would be where we have had a leak or spillage and have used clean-up material to absorb the fuel.

We make note of two statements in the letter previously referenced. The first "a commercial chemical product is not a solid waste if it itself is a fuel" ... "it is implicit in the rules that the same reasoning applies to commercial chemical products that are not listed". Secondly, in the following paragraph "Although the reclaimed commercial chemical product is burned for energy recovery it is not a solid waste because this was its intended purpose".

While the McDonnel Douglas off-spec fuel would be used to produce apparently more aviation fuel our residual fuel would not be used for that specific purpose. However, it would be used for fuel, i.e. energy recovery. How broadly defined is "fuel" within the context of "intended purpose"? Aviation fuel only for aviation related purposes?

We have found our residual fuel could be used in three different ways as a fuel.

1. Our residual fuel is not up to aviation fuel specifications, but it is acceptable when blended with other types of fuel, e.g. automotive, diesel, etc., and it is used within the context of that fuel's intended purpose.

2. It could be used in kilns, boilers, generators as a fuel to power this equipment's use in a production process of some kind.

3. The fuel soaked clean-up material has enough Btu value to be used as a fuel to run kilns, boilers, etc.

Does how the residual fuel end up being used as a fuel make a difference in the interpretation of "intended purpose"?

It would be a fair statement to make that if 100 percent pure aviation fuel were delivered instead of the residual fuel, the pure product would not be handled substantially different by the fuel user - it is just fuel to them.

We would make a follow-on assumption the receiving process or facility would not need to have a Part B RCRA permit, provided the Agency saw our residual fuel as being used for its intended purpose.

It may be helpful to summarize our questions after having interwoven our specific situation with questions and issues.

1. How does your Agency's interpretation of "fuel" and "intended purpose" view our residual fuel?

2. Does the interpretation change based on how the residual fuel was derived based on the four general situations?

3. Does the interpretation change depending on how the residual fuel is used as a fuel in the end process?

4. Assuming your interpretation is that our residual fuel is a "fuel" and not a hazardous waste, then it would not be necessary for it to be handled and accumulated at our sites as a hazardous waste or dispose at a RCRA permitted site. Is that assumption correct?

Hopefully, this has given you all the pertinent information to the issues. If something has been overlooked please feel free to write or call me at (316) 676-7657. We do appreciate your attention as we are concerned about conducting our business in the proper manner.

John W. Osborne
Manager of Safety and Environmental Quality
United Beechcraft, Inc.

JWO:vlb

Attachment

EPA United States Environmental Protection Agency

RCRA Online OFFICE OF SOLID WASTE

Record Detail

Full Document:	
Title:	RECYCLING UNUSED OFF-SPECIFICATION JET FUEL
Date:	07/31/88
To:	Haake
From:	Barnes
Organization of Recipient:	McDonnell Douglas
Description:	unused off-specification jet fuel is considered a CCP and is not a solid waste when reclaimed to produce new jet fuel, because it is normally used as fuel
Part(s) & Subpart(s):	261 Subpart A
Section(s):	261.2(c)(3)
Statutory Citation(s):	NA
Topic(s):	Burning, Combustion of Hazardous Waste, Hazardous Waste, Hazardous Waste Recycling
Approximate Number of Hardcopy Pages:	2
Fax-On-Demand Code:	11360
EPA Document Number:	NA
RPC Number:	07/31/88 - 1
RPPC Number (if applicable):	NA
NTIS Number (if applicable):	NA
OSWER Directive Number (if applicable):	NA
Ordering & Availability:	**Contact the RCRA, Superfund & EPCRA Hotline at (800) 424-9346**

View Record Detail

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

JULY 31, 1988

Joe Haake
Hazardous Waste Coordinator
Dept. 441C, Mail Code 0801800
McDonnell Douglas
P.O. Box 516
Saint Louis, Missouri 63166-0516

Dear Mr. Haake:

This responds to your May 9, 1989 request for a regulatory interpretation regarding the "recycling" of unused off-specification jet fuels into new jet fuel. You state in your letter that the waste fuel is not a spent material because it has never been used, resulting instead from the overflow during fueling and from fuel drained from tanks/lines following testing. However, because of the stringent military fuel specifications, it cannot be used as jet fuel without reclamation or reprocessing.

Although you currently manage the off-spec fuel as a hazardous waste (D001), you intend to sell the fuel to a refining company as a feedstock to produce jet fuel. You therefore believe that as an ingredient in an industrial process, the off-spec fuel would not be a solid waste. However, as I understand from your letter, the Missouri Department of Natural Resources (MDNR) believes that as a material used to produce a fuel, the off-spec fuel would remain a solid waste.

EPA Headquarters does not agree with either interpretation. In particular, we believe that the "recycling" activity described in your letter is not "use as an ingredient in an industrial process." Although the off-spec fuel may go through a manufacturing process, the activity is best characterized as reclamation (i.e., the jet fuel that does not meet the purity specifications is reprocessed into jet fuel meeting the required purity specifications).

Also, MDNR's regulatory interpretation, as stated in your letter, differs from the Federal interpretation. While MDNR states that because the material is being used to produce a fuel (i.e., burning for energy recovery) it remains a solid waste, the Agency considers the material's original intended purpose when commercial chemical products are involved. Under the existing regulations, commercial chemical products (or off-spec commercial chemical products) that are reclaimed are not solid waste even if the material is used to produce a fuel if that is the materials intended purpose. Thus, this off-spec jet fuel, if used to produce jet fuel, is not a solid waste (i.e., an off-spec fuel is being reclaimed to be used as a fuel -- its intended purpose). Although the regulatory language found at 40 CFR 261.2(c)(2)(ii), which states that in such cases a commercial chemical product is not a solid waste if it itself is a fuel, only addresses commercial chemical products listed in section 261.33, it is implicit in the rules that the rules that the same reasoning applies to commercial chemical products that are not listed. A clarifying discussion of this is found

in the April 11, 1988 Federal Register notice (50 FR at 14219), the technical correction notice to the January 4, 1985 Definition of Solid Waste final rule (50 FR 614).

The Agency's interpretation is that you are reclaiming an off-specification commercial chemical product (which would otherwise be a hazardous waste because it exhibits a characteristic of a hazardous waste) for its intended purpose and, therefore, is not a solid waste. Although the reclaimed commercial chemical product is burned for energy recovery, it is not a solid waste because this was its intended purpose.

The State of Missouri is authorized to implement the hazardous waste program under RCRA and may promulgate State regulations or make regulatory interpretations that are more stringent than Federal regulations or interpretations. You must also comply with MDNR's regulations.

Should you have further questions of a more general nature, you may contact the RCRA Hotline at 1-800-424-9346, or Mitch Kidwell, of my staff, at (202) 475-8551. For questions of a more site-specific nature, you should contact the Missouri Department of Natural Resources and the EPA Region VII office.

Sincerely,

Devereaux Barnes
Director
Characterization and Assessment Division

cc: Kenneth J. Davis
Missouri Department of Natural Resources

Lynn Harrington, Chief
Permits Branch
Region VII

FaxBack # 11360

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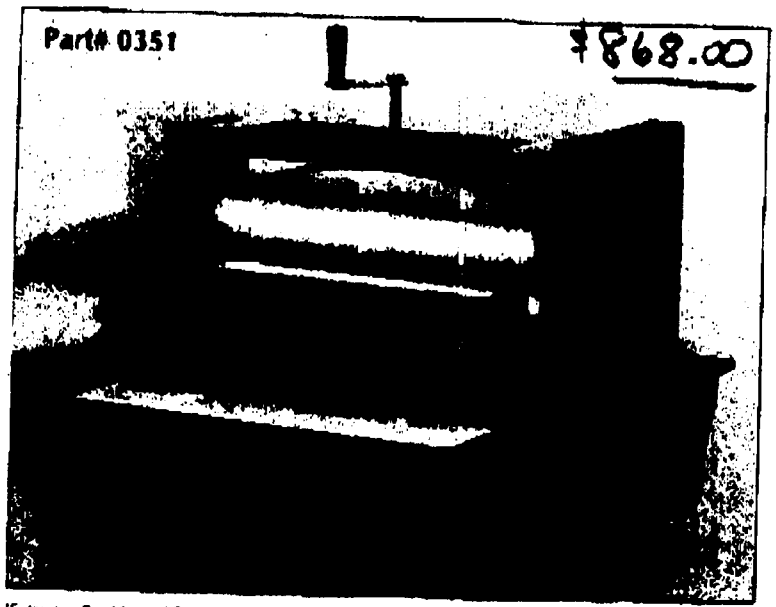
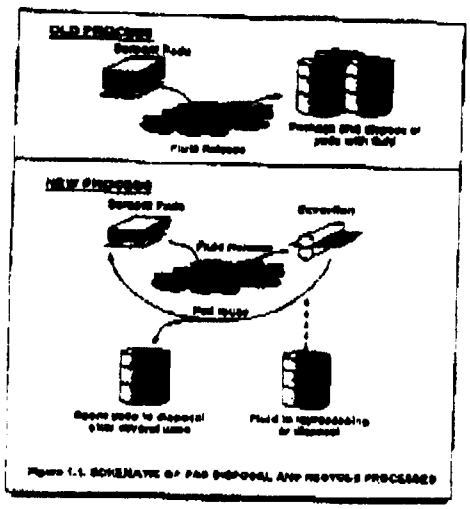


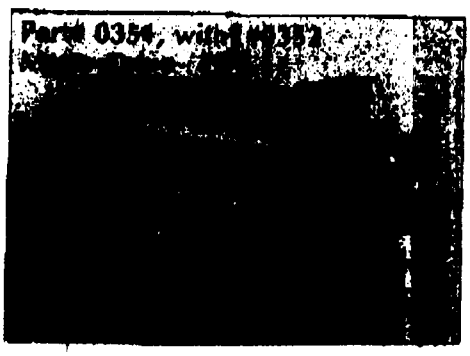
Extractor Pro Manual System.



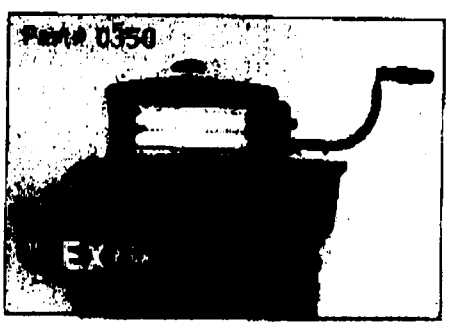
Graphic from EPA Waste Minimization Study Using The Extractor: "Because the capital cost for the Extractor was relatively insignificant and the annual savings would be substantial, the payback period of the investment would be only 2.5 to 3 weeks."

The Extractor Pro brings state-of-the-art capability to roller extraction. Extractor Pro uses a unique collection base that sits on top of a 55 gallon UN 1A1 closed-head drum for the cleanest and most efficient fluid control in the industry. Built-in anti-spill/fluid indicator valve warns when five gallon capacity remains in drum.

- **Heavy duty construction.**
- **19" Roller width with unique feed shelf.**
- **Adjustable for socks and booms (5", 6" and some 8").**
- **24" x 24" x 8" base collection sink.**
- **Motor drive conversion kit is optional. (Part# #0352).**



Extractor Pro System with optional #0352 Motor-Drive Kit Specifications: Heavy-duty forward and reversing motor with easy-access switch on panel. NEMA spot panel includes poweron light and key-operated on/off switch for security. Foot switch is NEMA spec. and not effected by liquids. Available in 110-120 VAC standard or 12V DC per application.



The Extractor Standard Model is the perfect solution for desaturating any flat sorbent pads, rugs, carpets and flat booms.

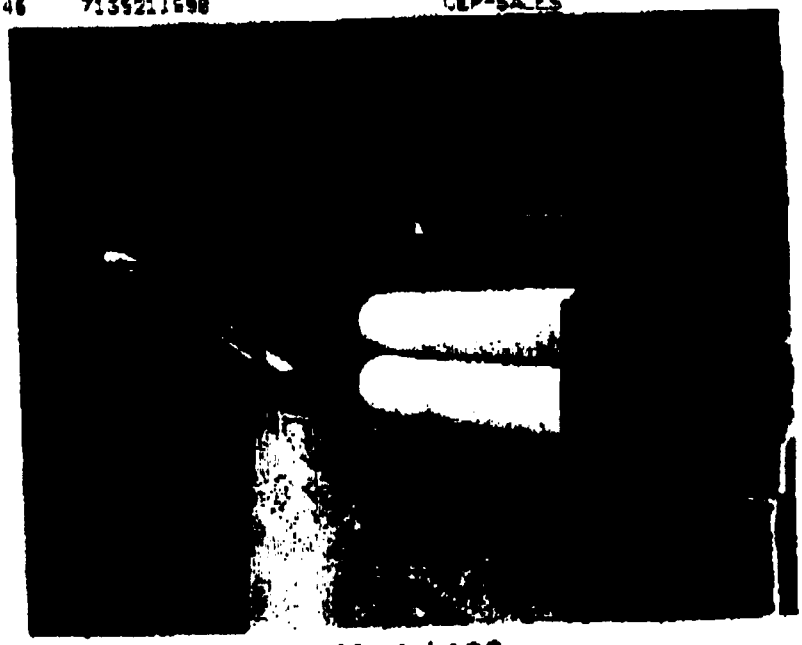
- **24" x 24" x 8" collection sink.**
- **12" roller width.**
- **Anti-spill drain tube.**
- **Dual gear-driven rollers.**

Ultra-Extractor Standard includes collection sink. Motor drive option NOT available for this model.

SPECIFICATIONS

Part#	Product	Dimensions	Weight	Options
0350	Ultra-Extractor Standard	25" x 25" x 8 1/2"	45 lbs.	N/A
0351	Ultra-Extractor Pro Manual	30" x 24" x 36"	93 lbs.	See 0352 Motor Drive
0352	Ultra-Extractor Motor Drive Kit	9" x 7" x 10"	30 lbs.	N/A

ENCLOSURE (V) HOWCO Environmental Services-FDEP Submittal 7/20/99



Model 100
Garage Wringer

The LOVELL WRINGER shown on this page represents high value in its field. The model 100 GARAGE WRINGER shown is a favorite among those places where smart people go for a sparkling car wash. This wringer is built for heavy duty, long life and low maintenance. It will pressure-cleanse and moist-dry thick wiping cloths and chamois. The MODEL 100 WRINGER is constructed with sturdy steel frame and springs.

This unit can be clamped rigidly to barrel, tub or board for easy hand operation. Clamps open to 1⅝". Equipped with 10" x 1¾" diameter long wearing geared rolls. Packed in individual cartons. Weight approx. 14 lbs.

ENVIRONEERING, INCORPORATED

Memorandum for the Record

By: Tim Rudolph

CC: Tim Hagan

Date: 2/2/99

Re: TELCON WITH SUZAN PELZ, FDEP SOLID WASTE SECTION

SOLID WASTE PERMIT DISCUSSION

TELCON W/ Ms. Susan J. Pelz, P.E., FDEP Solid Waste Section, Southwest District (813) 744-6100 extension 386 on 2 February 1999.

A follow up telephone call was made to Ms. Pelz on 2 February 1999. I asked Ms. Pelz if she had received the HOWCO submittal information transmitted by ENVVIRONEERING. She stated that she had received the information. Ms. Pelz stated that she was too busy to review the HOWCO Used Oil Permit Application. She stated that she would get to when she got to it. She explained that she had too much work to review it with in 30 days. Ms. Pelz stated that she would be glad to review it with in 30 days if a $2,000.00 check was mailed in to pay for the review time. She stated that the permits that were in current review status had fixed dead lines that she had to meet. Her current workload did not allow her to review the information in the near future.

TIMOTHY W. RUDOLPH, P.E.
ENVIRONEERING, INC.
<HES-6.DOC>

ENCLOSURE (II)
ENVIRONEERING LETTER DTD 7/20/99

Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

DATE: JULY 21, 1999

TIME: 1 30 pm

SUBJECT: HOWCO USED OIL PROCESSING PERMIT APPLICATION – 6TH N.O.D.

ATTENDEES

Name	Affiliation	Telephone
AL GEPHART	FDEP-RCRA PERMITTING	(813) 744-6100 x 372
Tim HAGAN	Howco	727 327-8467 x 226
LAUREL LOCKETT	CARLTON FIELDS FOR HOWCO	813-229-4139
Rick Neves	FDEP - Tallahassee (HWM)	850/488-0300
Roger Evans	FDEP - Tampa	813-744-6100 x388
Stanley Tam	FDEP - Tampa	" , x-390
Susan Pelz	FDEP - Tampa	" x 386
Tim Rudolph	Environeering →	by teleconference

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

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File 3-c

3/99

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

		Phone Number	Fax Number
Date:	July 12, 1999		
To:	Stanley Tam	(813) 744-6100 , X 404	(813) 744-8198
cc:	Tim Hagan	(727) 327-8467 x226	(727) 323-2249
From:	Laurel Lockett	(813) 223-7000	(813) 229-4133

Client/Matter No.: 31028/59598

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

Message: Re: Howco Used Oil Permit

Please see attached letter.

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

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

TELECOPIER OPERATOR: _____

File 3-c

2/99

CARLTON FIELDS

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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

		Phone Number	Fax Number
Date:	July 6, 1999		
To:	Stanley Tam	813-744-6100	813-744-8198 ✓
	Rick Neves	850-414-0400	850-414-0414
	Tim Hagan	813-323-0818	813-323-2249
	Tim Rudolph	904-665-0100	904-665-0101
From:	Laurel E. Lockett	(813) 223-7000	(813) 229-4133

Client/Matter No.: 31028-59598

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

Message:

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

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

TELECOPIER OPERATOR: _____

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1/99

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

July 6, 1999

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

VIA FACSIMILE

Re: Howco Environmental Services Used Oil Permit/Response to 6th Notice of Deficiency

Dear Mr. Tam:

We would like to set up a meeting with FDEP to discuss, in detail, a proposed draft response to the 6th Notice of Deficiency. My goal would be to have all relevant agency decision makers present at the meeting so that both the form and substance of Howco's proposed response can be finalized. Mr. Hagan, Mr. Rudolph and I will participate on our end. I have spoken to Rick Neves, who would be willing to attend to assist with resolution of the remaining permitting issues. We would encourage his participation and hope that between Rick's and my participation with all players at the table we can wrap this matter up quickly. We are available at any time after July 13th to meet. Please give me a call with possible dates and times.

Yours sincerely,

Laurel E. Lockett

LEL:bsm
cc: Mr. Rick Neves
Mr. Tim Hagan
Mr. Tim Rudolph