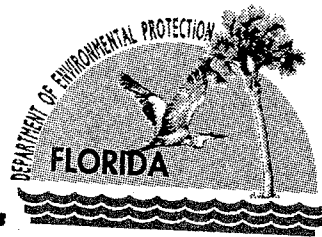


MAY 22 2006



Jeb Bush  
Governor

Department of  
Environmental Protection Southwest District

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

May 17, 2006

**CERTIFIED - RETURN RECEIPT**  
7000 0600 0026 4130 7558

Mr. Tim Hagan, President  
Hagan Holding Company  
d/b/a HOWCO Environmental Services  
3701 Central Avenue North  
St. Petersburg, Florida 33713

Subject: Notice of Deficiency - 2  
Howco Environmental Services;  
EPA I.D. Number FLD 152 764 767;  
Application for Permit Renewal;  
Existing Permit Number 92465-HO06-001;  
Pinellas County.

Dear Mr. Hagan:

The Florida Department of Environmental Protection (Department) has received your permit renewal application dated July 15, 2005 and subsequent information.

After reviewing the submission of April 20, 2006, and other financial assurance aspects of the permit renewal application, the Department has the following comments:

1. Howco has provided a quote from a third party on per unit basis but this does not constitute actual closure costs. Howco should use the third party unit costs to estimate the complete closure of the used oil facility based on the capacity and number of tanks Howco is closing as well as piping and ancillary equipment, assuming the tanks are at full capacity at closure. Facility processing units (e.g. wastewater treatment plant, used oil processing plant and the used oil filter crusher) cannot be assumed to be available at time of closure. Therefore, the facility cannot off-set costs associated with closure by treating or processing materials on-site. Virgin fuels and processed oil are exempted from calculating disposal costs.

Mr. Tim Hagan, President  
May 17, 2006  
Page 2 of 3

2. Breakdown of actual costs is required for each category based on the following:
  - a. Number of tanks being sampled for each category, supervisory and technician costs and analytical costs. These costs are to include characterization of the materials in each tank prior to disposal and of the sludges and waste waters generated from cleaning each tank;
  - b. Number of gallons of oily sludge being disposed from each tank;
  - c. Number of tons of hazardous and non-hazardous oily solids being disposed from each tank;
  - d. Number of gallons of oily water being disposed from each tank; and
  - e. Add 10% contingency to the estimated total costs.

The Closure Cost estimate is to be based upon the removal, proper management and decontamination of the facility in regard to used oil, used oil filters, sludges, waste waters and oily solid wastes to ensure a safe, clean condition suitable for further business usage of the facility or disposition of the facility.

The Closure Cost estimate is to include costs such as: Third party man-hours and labor costs; manpower, vehicle and equipment transportation; per diem; hotel; deployment of equipment; vacuum truck(s); steam cleaning each tank and disposal of oily water from cleaning each tank; steam cleaning each secondary containment area and disposal of oily water from cleaning each containment area; steam cleaning truck wash area, filter press area, drum cleaning area, filter crusher area and container storage area and disposal of oily water from cleaning each of these areas; cleaning used oil filter crusher, disposal of containers and roll-off boxes of used oil filters and disposal of oily waste water generated; other equipment rental costs, supplies and safety equipment; number of soil samples to be taken, manpower and hours to take the samples and the associated analytical costs; Closure Report and Certification of Closure by a PE certified in Florida.

Please provide the information as requested. Howco should use the Used Oil Processing Facility Closing Cost Estimate Form (DEP Form #62-710.901(7)) in preparing the response. The completed form has to be certified by a professional engineer.

The Department action on processing your application will resume upon receipt of your complete response. Please submit two (2) copies to FDEP, Tallahassee and one (1) copy to the Hazardous Waste Program Manager, FDEP, Southwest District Office of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days,

Mr. Tim Hagan, President

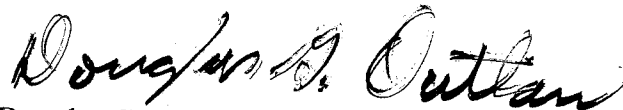
May 17, 2006

Page 3 of 3

you must formally request an extension of time within 30 days, explaining why you need more time and providing a date no later than 45 days from receipt of this notice when this information will be submitted.

If you have any questions, please contact Subra Putcha at (850) 245-8776 or Bheem Kothur at (850) 245-8781.

Sincerely,



Douglas G. Outlaw  
Professional Engineer III  
Hazardous Waste Regulation

DO/sp

Enclosure

cc: Al Gephart, DEP/Tampa  
Susan Pelz, DEP/Tampa  
Raoul Clarke, DEP/Tallahassee  
Fred Wick, DEP/Tallahassee  
John Jones, Total Environmental Solutions/Miami

**Gephart, Albert**

---

**From:** Putcha, Subra

**Sent:** Thursday, May 11, 2006 2:47 PM

**To:** McGuire, Chris; Posner, Augusta; Gephart, Albert; Dregne, James; Outlaw, Douglas; Kothur, Bheem

**Subject:** NOD2\_05082006\_CoverLetter

I modified the letter based on your comments. Please review one more time and let me have comments by tomorrow. Even though used oil regulations say 90 day time period to response, we always give them 30 days to respond. It has become a standard in our letters. If we do not need so much details, please let me know.

Thanks  
Subra

5/12/2006

May 11, 2006

**CERTIFIED – RETURN RECEIPT**

Mr. Tim Hagan, President  
Hagan Holding Company  
d/b/a HOWCO Environmental Services  
3701 Central Avenue North  
St. Petersburg, Florida 33713

Subject: Notice of Deficiency - 2  
Howco Environmental Services;  
EPA I.D. Number FLD 152 764 767;  
Application for Permit Renewal;  
Existing Permit Number 92465-HO06-001;  
Pinellas County.

Dear Mr. Hagan:

The Florida Department of Environmental Protection (Department) has received your permit renewal application dated July 15, 2005 and subsequent information.

After reviewing the submission of April 20, 2006, and other financial assurance aspects of the permit renewal application, the Department has the following comments:

1. Howco has provided a quote from a third party on per unit basis but this does not constitute actual closure costs. A third party is to provide and use the unit costs to estimate the complete closure of the used oil facility based on the capacity and number of tanks you are closing as well as piping and ancillary equipment, assuming the tanks are at full capacity at closure. Facility processing units (e.g. wastewater treatment plant, used oil processing plant and the used oil filter crusher) cannot be assumed to be available at time of closure. Therefore, the facility cannot off-set costs associated with closure by treating or processing materials on-site. Virgin fuels and processed oil are exempted from calculating disposal costs.

2. Breakdown of actual costs is required for each category based on the following:
  - a. Number of tanks being sampled for each category, supervisory and technician costs and analytical costs. These costs are to include characterization of the materials in each tank prior to disposal and of the sludges and waste waters generated from cleaning each tank;
  - b. Number of gallons of oily sludge being disposed from each tank;
  - c. Number of tons of hazardous and non-hazardous oily solids being disposed from each tank;
  - d. Number of gallons of oily water being disposed from each tank; and

The Closure Cost estimate is to be based upon the removal, proper management and decontamination of the facility in regard to used oil, used oil filters, sludges, waste waters and oily solid wastes to ensure a safe, clean condition suitable for further business usage of the facility or disposition of the facility.

The Closure Cost estimate is to include costs such as: Third party man-hours and labor costs; manpower, vehicle and equipment transportation; per diem; hotel; deployment of equipment; vacuum truck(s); steam cleaning each tank and disposal of oily water from cleaning each tank; steam cleaning each secondary containment area and disposal of oily water from cleaning each containment area; steam cleaning truck wash area, filter press area, drum cleaning area, filter crusher area and container storage area and disposal of oily water from cleaning each of these areas; cleaning used oil filter crusher, disposal of containers and roll-off boxes of used oil filters and disposal of oily waste water generated; other equipment rental costs, supplies and safety equipment; number of soil samples to be taken, manpower and hours to take the samples and the associated analytical costs; Closure Report and Certification of Closure by a PE certified in Florida.

Please provide the information as requested. The Department recommends that you use the Used Oil Processing Facility Closing Cost Estimate Form (DEP Form #62-710.901(7)) in preparing your response. The completed form has to be certified by a professional engineer.

The Department action on processing your application will resume upon receipt of your complete response. Please submit two (2) copies to FDEP, Tallahassee and one (1) copy to the Hazardous Waste Program Manager, FDEP, Southwest District Office of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days, you must formally request an extension of time within 30 days, explaining why you need more time and providing a date no later than 45 days from receipt of this notice when this information will be submitted.

Mr. Tim Hagan, President  
May 11, 2006  
Page 3 of 3

If you have any questions, please contact Subra Putcha at (850) 245-8776 or Bheem Kothur at (850) 245-8781.

Sincerely,

Doug G. Outlaw  
Professional Engineer  
Hazardous Waste Regulation

DO/sp

Enclosure

cc: Al Gephart, DEP/Tampa  
Susan Pelz, DEP/Tampa  
Raoul Clarke, DEP/Tallahassee  
Fred Wick, DEP/Tallahassee  
John Jones, Total Environmental Solutions/Miami

**Gephart, Albert**

---

**From:** Dregne, James  
**Sent:** Thursday, May 11, 2006 2:38 PM  
**To:** Gephart, Albert  
**Subject:** FW: Comments On Tally HOWCO NOD Letter

FYI

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

**From:** Putcha, Subra  
**Sent:** Thursday, May 11, 2006 9:00 AM  
**To:** Dregne, James  
**Cc:** Posner, Augusta; McGuire, Chris  
**Subject:** RE: Comments On Tally HOWCO NOD Letter

Thanks for all your comments.

Subra

---

**From:** Dregne, James  
**Sent:** Wednesday, May 10, 2006 10:18 PM  
**To:** Putcha, Subra  
**Cc:** Posner, Augusta; McGuire, Chris  
**Subject:** FW: Comments On Tally HOWCO NOD Letter

Subra:

Please note Al's attached comments.

Thanks, Jim

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

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

**From:** Gephart, Albert  
**Sent:** Wednesday, May 10, 2006 10:25 AM  
**To:** Dregne, James  
**Subject:** Comments On Tally HOWCO NOD Letter

Attached is my two cents. If you have additions/corrections let me know. We should get the comments to tally today because we are out of the office tomorrow.

Thanks, Al

5/12/2006



**Gephart, Albert**

---

**From:** McGuire, Chris  
**Sent:** Wednesday, May 10, 2006 10:47 AM  
**To:** Putcha, Subra; Posner, Augusta; Dregne, James; Gephart, Albert  
**Cc:** Outlaw, Douglas  
**Subject:** RE: NOD2\_05082006\_CoverLetter

I do have a few comments. I haven't seen their cost estimate so it's hard for me to make specific suggestions, but here are a few things I noted.

First, Rule 62-710.800(9)(b) does say that the cost estimate are to be on a "per unit" basis, so I'm not clear what we mean when we say that the estimate is "on unit basis but not an actual closure costs."

Secondly, use of the cost estimating form is not optional; Rule 62-710.800(9)(b) says that the owner "shall estimate the total cost of closing the facility using Form 62-710.901(7)." So we shouldn't just be recommending that they use this form.

Third, Rule 62-4.055 allows permit applicants 90 days to respond to a request for additional information. There may be different requirements for HW permits, and if there are I suppose Augusta and I should figure out which procedural rules apply.

Finally, I don't think we are actually holding their application "in abeyance." The application remains incomplete and we will not take action on it until we determine that it is complete, but "abeyance" usually means that action that should otherwise be taken is being suspended pending the outcome of some intermediate action. Yes, this is a very minor point.

I will be at Building D Thursday and have the early afternoon open. If you would like to talk about this in person, let me know.

Chris

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

**From:** Putcha, Subra  
**Sent:** Tuesday, May 09, 2006 1:27 PM  
**To:** Posner, Augusta; Dregne, James; Gephart, Albert; McGuire, Chris  
**Cc:** Outlaw, Douglas  
**Subject:** NOD2\_05082006\_CoverLetter

Attached is a draft copy of 2nd NOD to Howco. Please provide your comments by Thursday (5/9/2006). I would like to send the NOD out by Friday.

Thanks  
Subra

5/10/2006

5-10-06

## HOWCO Environmental Services

### Notice of Deficiency Letter

#### Southwest District Comments

The letter should denote in the Subject and headers that this is a Notice of Deficiency and should have the appropriate wording. (Is this the 2<sup>nd</sup> Notice of Deficiency? If so, note that in the header as well.)

Item 1. 2<sup>nd</sup> Sentence. Change to, "A third party is to provide and use the unit costs to estimate the complete closure of the used oil facility based on the capacity and number of tanks your are closing, as well as all piping and ancillary equipment, assuming the facility is at full capacity. Facility processing units (e.g. wastewater treatment plant, used oil processing plant and the used oil filter crusher) cannot be assumed to be available at time of closure. Therefore, the facility cannot off-set costs associated with closure by treating or processing materials on-site."

Item 2.a. "Number of tanks being sampled for each category, supervisory and technician costs and analytical costs. These costs are to include characterization of the material in each tank prior to disposal and of the sludges and waste waters generated from cleaning each tank."

Item 2.c Items 2c and 2e could be combined to read "hazardous and non-hazardous oily solids" but is OK as is. There could be haz or non-haz solids from Tanks 110 and 111 or in containers and roll-off boxes on the property so it warrants to be separate from sludges.

Item 2.e. See comment in 2c above.

The Department should provide more detail as to what is expected in the closure costs. For example,

The Closure Cost estimate is to be based upon the removal, proper management and decontamination of the facility in regard to used oil, used oil filters, sludges, waste waters and solid oily wastes to ensure a safe, clean condition suitable for further business usage of the facility or disposition of the facility.

The Closure Cost estimate is to include costs such as: Third party man-hours and labor costs; manpower, vehicle and equipment transportation; per diem; hotel; deployment of equipment; vacuum truck(s); steam cleaning each tank and disposal of oily water from cleaning each tank; steam cleaning each secondary containment area and disposal of oily water from cleaning each containment area; steam cleaning truck wash area, filter press area, drum cleaning area, filter crusher area and container storage area and disposal of oily water from cleaning each of these areas; cleaning used oil filter crusher, disposal of containers and roll-off boxes of used oil filters and disposal of oily waste water generated; other equipment rental costs, supplies and safety equipment; number of soil samples to be taken, manpower and hours to take the samples and the associated analytical costs; Closure Report and Certification of Closure by a PE certified in Florida.

In the next to the last paragraph, you request three copies of the Closure Cost Estimate. Please change to, "Please submit two (2) copies to FDEP, Tallahassee and one (1) copy to the Hazardous Waste Program Manager, FDEP, Southwest District Office.

May 9, 2006

**CERTIFIED – RETURN RECEIPT**

Mr. Tim Hagan, President  
Hagan Holding Company  
d/b/a HOWCO Environmental Services  
3701 Central Avenue North  
St. Petersburg, Florida 33713

Subject: Howco Environmental Services;  
EPA I.D. Number FLD 152 764 767;  
Application for Permit Renewal;  
Existing Permit Number 92465-HO06-001;  
Pinellas County.

Dear Mr. Hagan:

The Florida Department of Environmental Protection (Department) has received your permit renewal application dated July 15, 2005 and subsequent information there upon. The last information we received on April 20, 2006 is a 3<sup>rd</sup> party closure costs.

After reviewing the closure cost estimate of the permit renewal application the Department has following comments:

1. What you have provided towards closure cost estimate is a quote from 3<sup>rd</sup> party on unit basis but not an actual closure costs. These unit costs need to be used to estimate your used oil facility closure costs based on the capacity and number of tanks you are closing assuming the site at full capacity. Virgin fuels and processed oil are exempted from calculating disposal costs.
2. Break down of actual costs is required for each category based on the following:
  - a. number of tanks being sampled for each category;
  - b. number of gallons of oily sludge being disposed from each tank;

Mr. Tim Hagan, President  
May 9, 2006  
Page 2 of 2

- c. number of tons of non-hazardous oily solids being disposed from each tank;
- d. number of gallons of oily water being disposed from each tank; and
- e. number of tons of hazardous oily solids being disposed from each tank.

Please provide the information as requested and in preparing your response, the Department recommends that you use the Used Oil Processing Facility Closing Cost Estimate Form (DEP Form #62-710.901(7)). The form has to be certified by a professional engineer.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three (3) copies of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

Algo  
SWD

If you have any questions, please contact Subra Putcha at (850) 245-8776 or Bheem Kothur at (850) 245-8781.

Sincerely,

Doug G. Outlaw  
Professional Engineer  
Hazardous Waste Regulation

DO/sp

Enclosure

cc: Al Gephart, DEP/Tampa  
Susan Pelz, DEP/Tampa  
Raoul Clarke, DEP/Tallahassee  
Fred Wick, DEP/Tallahassee  
John Jones, Total Environmental Solutions/Miami



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

CERTIFIED MAIL 7004 0750 0003 0516 2185  
RETURN RECEIPT REQUESTED

May 3, 2006

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

Re: HOWCO Environmental Services Solid Waste Processing Facility  
Pending Permit No.: 92465-003-SO, Pinellas County

Dear Mr. Hagan:

This letter has been prepared to respond to the letter received via email from your legal counsel, Hopping, Green & Sams, Attorneys and Counselors dated April 18, 2006.

In that letter, your counsel indicates that HOWCO will provide the information requested in the Department's September 20, 2005 letter, but requests an extension of time to submit the information. The Department does not object to extending the time to May 22, 2006 as requested in the April 18, 2006 letter. Please be reminded that since the waiver of the 90-day clock for the pending permit application expires June 30, 2006, the Department expects a complete and sufficient response by May 22, 2006.

Based on the information provided to date to address the solid waste management activities at the site, the Solid Waste Section has determined that the requirements of Chapter 62-701, F.A.C., have not been met by the applicant, and will therefore be required to deny the application unless an adequate response to the Department's September 20, 2005 letter is received. If a complete and sufficient response to the Department's September 20, 2005 request for information is not received by May 22, 2006 (as you have requested), or if the application is not withdrawn, the Department will take final action on the solid waste permit application, which is likely to result in denial of the application.

Existing permit number 92465-H006-001 expired on August 3, 2005, and the "renewal" application for the solid waste operations at the site was received by the Department on August 29, 2005. Therefore, the "renewal" application was not timely as required by Rules 62-701.320(10)(a) and 62-4.090(1), F.A.C., and the Department authorization for the solid waste processing and management operations ceased on August 4, 2005. Based on site inspections on November 7, 2005 and February 16, 2006, HOWCO is continuing to manage solid waste at the site. This continued operation is a violation of Rules 62-701.300(1)(a), 62-701.320(1), and 62-4.030, F.A.C. which will be addressed shortly in a letter sent under separate cover.

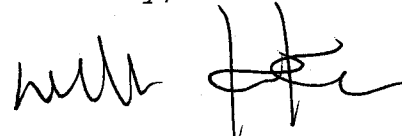
"More Protection, Less Process"

Printed on recycled paper.

5/11

If you have any questions, please contact me at (813) 632-7600 ext. 353 or Ms. Susan Pelz, P.E. (Solid Waste Program Manager) at (813) 632-7600 ext. 386.

Sincerely,



William Kutash  
Waste Program Administrator  
Southwest District

WK/sjp

Cc: Michael P. Petrovich, Hopping Green & Sams, PO Box 6526, Tallahassee, Fl. 32314  
Deb Bush, Pinellas County SW, 3095 114<sup>th</sup> Ave. N. St. Petersburg, Fl. 33716  
Fred Wick, FDEP Tallahassee  
Richard Tedder, P.E., FDEP TAL SW  
Chris McGuire, FDEP OGC  
Pat Comer, FDEP OGC  
Douglas Outlaw, P.E., FDEP TAL HW  
Jim Dregne, FDEP Tampa - HW  
Al Gephart, FDEP Tampa - HW  
John Griffith, FDEP Tallahassee - ERP  
Susan Pelz, P.E., FDEP Tampa

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Wednesday, April 26, 2006 6:29 AM  
**To:** Watson, Stephanie M.  
**Cc:** Pelz, Susan; Dregne, James  
**Subject:** RE: HOWCO inspection

We inspected them on Nov. 7, 2005 and observed solid waste operations (cited violations, pictures taken).

I went back on January 5, 2006. I also observed solid waste operations (noted violations but no pictures).

I went back on Feb. 16, 2006. I observed solid waste operations (cited violations, pictures taken).

Mar. 23, 2006, I ONLY Went to Central Ave. Office. I did not go to the Plant so I did not observe solid waste operations.

Al

. -----Original Message-----

**From:** Watson, Stephanie M.  
**Sent:** Tuesday, April 25, 2006 4:25 PM  
**To:** Gephart, Albert  
**Subject:** HOWCO inspection

Hi Al,

I am working on the solid waste Warning Letter for HOWCO.

Did you inspect HOWCO in February 2006? If so, what day was it? Were they operating the solid waste facility at that time?

Thanks,  
Stephanie

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

4/26/2006

## Gephart, Albert

---

**From:** Putcha, Subra  
**Sent:** Friday, April 21, 2006 2:23 PM  
**To:** 'Mike Wolfe'  
**Cc:** Outlaw, Douglas; Dregne, James; Gephart, Albert; McGuire, Chris; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: Request for Information

Mike

We will put the information on a CD and mail it to you in the beginning of the next week. There are some administrative charges involved in putting facility information on a CD. We will be charging \$10 per CD. At this time, I do not know how many CDs it will take, but I will let you know when they are ready. Also, whatever information we have in Tallahassee may be partial and you may have to request district offices for any additional information you may need.

Thanks  
Subra Putcha

---

**From:** Mike Wolfe [mailto:mikewolfe@howcousa.com]  
**Sent:** Friday, April 14, 2006 8:35 AM  
**To:** Putcha, Subra  
**Subject:** FW: Request for Information

---

**From:** mikewolfe [mailto:mikewolfe@tampabay.rr.com]  
**Sent:** Friday, April 14, 2006 8:33 AM  
**To:** 'Subra '; 'douglas.outlaw@dep.state.fl.us'; 'Neves, Richard'  
**Cc:** 'Tim Hagan'; 'MIKE P PETROVICH'; 'RALPH A DEMEO'; 'johnmjonespe@bellsouth.net'  
**Subject:** Request for Information

You are obviously aware of the disagreement we are having with the Tampa District over the approach to our Used Oil Permit. I am requesting any information you might have for the permitting of any other Used Oil Processing Facility in the State of Florida that has completed a 62-701 application as part of their Used Oil Permit. If you would please forward me the names of the facilities I would be happy to request a copy of the permits to see how they have been completed. Please let me know as soon as possible since we have a timeline to meet. Thanks in advance for your cooperation in this matter.

4/24/2006



**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Friday, April 21, 2006 9:49 AM  
**To:** Putcha, Subra; Kothur, Bheem  
**Cc:** Dregne, James  
**Subject:** HOWCO Closure Cost Estimate

Upon review of HOWCO's closure cost estimate, I feel it is unacceptable. There is not enough detail to determine actual costs and even if all of the oil and oil filters were removed at no cost, a minimal effort in cleanup would cost four times what HOWCO is estimating and could be forty times higher.

To be a little more specific they need to address cleaning the truck wash area, filter crusher area, tank farm, refinery, cone bottom tank area, soil sampling (18 samples) decontamination man-hours, engineer man-hours, sampling technician man-hours, per diem, hotel, crew truck, vac truck, cleaning solution, wastewater disposal (not through HOWCO treatment system), generated sludge analyses and disposal and unit transportation and disposal costs for each waste stream,

I don't believe the Used Oil Processing Facility Closing Cost Estimate Form #62-710.901(7) can be accepted (for any facility) without support documentation.

Look at US Filter closure cost estimate. They estimated theirs at **\$858,953.00** They have 28 tanks (about the same as HOWCO) and have a clean operation

AI

*AFG*

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

4/21/2006

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Thursday, April 20, 2006 12:59 PM  
**To:** Putcha, Subra  
**Cc:** Dregne, James; Kothur, Bheem; Outlaw, Douglas; Pelz, Susan; Kutash, William  
**Subject:** HOWCO Used Oil Closure Cost Submittal of 4/20/06

Mike Wolfe faxed the third party quotes to me this morning (4/20/06) which I in turn faxed to you. Mike sent two sets of quotes that provide manpower cost, analytical costs, transportation and disposal costs for each the wastewater, PCW, used oil filters and sludge. Mike said that because these quotes match the values HOWCO used in their Closure Cost Estimate submitted January 9, 2006, he would not be re-submitting the closure cost estimate (he feels the third party quotes justify what HOWCO used on the cost estimate)..

I don't believe HOWCO's closure cost estimate is sufficient for several reasons. There is not enough detail to determine what the appropriate cost should be.

Just one example - it looks like he is using total manpower costs of \$220/hr but it only includes 2 men and a truck for 40 hours. I do not think two men can clean the facility in one week. If you use the other value of \$22.00/hr per man, the estimate gives you 10 men, no truck or equipment.

There is no breakdown of how they are going to do soil sampling. The estimate indicates that they have allotted \$7,800 for this but when they added it into the total cost they slipped a zero to 780 so the total cost should be \$780 more (\$33,960 instead of \$26,240).

Let us know of your assessment.

Thanks, Al

*AFG*

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

4/20/2006

Join - FYI

# FAX

**Date** 4/20/06

**Number of pages including cover sheet** 5

**TO: SUBRA PUTCHA**  
  
**WASTE MANAGEMENT**  
**TALLAHASSEE**

**Phone** 850-245-8776

**Fax #** 850-245-8810

**FROM: AL GEPHART**  
  
**FLORIDA DEPARTMENT**  
**OF ENVIRONMENTAL**  
**PROTECTION**  
  
13051 NORTH TELECOM  
PARKWAY  
  
TEMPLE TERRACE, FL  
33637-0926

**Phone** (813) 632-7600, EXT. 372

**Fax Phone** (813) 632-7664

**CC:**

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

Attached are two different third party closure costs submitted by Mike Wolfe of HOWCO.

He did not re-do the closure cost form because he said that the prices quoted compare

to the same as those on the original submittal so the cost would not change from that.

previously submitted.

Please review and notify us on whether you are accepting this and if all of the used oil

issues are now resolved.

Thanks, Al

SENT 4/20/06 9<sup>30</sup> AM

TO SUBRA IN TALLAHASSEE

4/20



## Fax Transmission

HOWCO Environmental Services  
3701 Central Avenue  
St. Petersburg, FL. 33713  
(727) 327-8467  
Fax (727) 321-6213

To: Al Gephart

Date: 4-20-06

Company: FDEP

Fax #: 813-632-7664

Pages: 4 including cover sheet

From: Michael Wolfe

Subject: 3rd Party Closure Costs

Comments:

Al,

Just in case I went to a second company  
for a quote so you have 2 cost estimates.

*Michael Wolfe*

04/19/2006 09:14

9547883712

JACK MCCULLY JAM ENV

PAGE 01

**JAM ENVIRONMENTAL**  
E VACUUM SERVICES LLC  
**954-788-3711**  
**877-788-3711**  
24 HOUR EMERGENCY RESPONSE  
POMPANO BEACH FL

Michael Wolfe  
Howco Environmental Services  
3701 Central Avenue  
St. Petersburg, Florida 33713

VIA FACSIMILE (727) 321-6213

Dear Mr. Wolfe,

Per our conversation, JAM Environmental and Vacuum Services, LLC (JAM) is please to provide the following quote for decommissioning services.

Decontamination labor by environmental technicians - \$22.00 per hour  
Waste analysis for characterization: \$500 each  
Wastewater transportation and disposal - \$0.30 per gallon  
Sludge transportation and disposal - \$1.00 per gallon  
Transportation and disposal of used oil filters - \$24.00 per 55-gallon drum  
PCW transportation and disposal - \$0.30 per gallon  
Mobilization - \$500 per unit

I am sure certain other auxillary supplies and services would be required, in general personal and safety equipment will be \$50 per man per day.

Please feel free to contact me at either the office @ 877 788 3711 or cell @ 561 762 4227.

Thanks for the opportunity to work with you.

Jack McCully,  
President,  
JAM Environmental & Vacuum Services, LLC  
April 19, 2006

**USED OIL + FILTER RECYCLING**  
**DRAIN SERVICES**  
**INDUSTRIAL WASTE WATER**

**VAC-CON SERVICES - JET ROUNDER**  
**STORM DRAIN - HYDRO EXCAVATION**  
**PETROLEUM TANK CLEANING**

**Petroleum Management, Inc.**

2191 S.W. 115 Terrace

Davie, Florida 33325

(954) 581-4455 ☎ Fax (954) 583-0252

***PROPOSAL /ACCEPTANCE FOR SERVICES***

Proposal Submitted To: Howco Environmental Services

Fax: (727) 321-6213

Date: 4/19/06

Email: mikewolfe@howcousa.com

Street: 3701 Central Avenue

Job Name: Same

City, State, and Zip Code: St. Petersburg, Florida 33713

Job Location: Same

Attention: Mr. Mike Wolfe

PETROLEUM MANAGEMENT, INC. IS PLEASED TO SUBMIT OUR PROPOSAL FOR LABOR, EQUIPMENT, MATERIALS AND TRANSPORTATION FOR THE WORK REQUIRED TO PROVIDE PERSONNEL AND EQUIPMENT TO PERFORM DECONTAMINATION SERVICES FOR STORAGE TANKS AND CONTAINMENTS AS REQUIRED. ITEMIZED WORK AND UNITS COSTS AS BELOW.

**THIS WORK AS ITEMIZED BELOW:**

- |          |   |              |
|----------|---|--------------|
| ITEM #1: | MOBILIZATION TO SITE FOR EACH WORK CREW AND TRUCK:  | \$500.00     |
|          | <b><u>NOTE:</u> HOWCO WILL PROVIDE REASONABLE HOTEL AND PER DIEM AS REQUIRED FOR P.M.I. PERSONNEL.</b>        |              |
| ITEM #2: | EACH WORK CREW CONSISTS OF TWO (2) TRAINED FIELD TECHNICIANS WITH P.P.E. AND ONE (1) TRUCK. PORTAL TO PORTAL: | \$220.00/HR. |
| ITEM #3: | LABORATORY ANALYSIS BY A SITE LOCAL F.D.E.P. LABORATORY FOR EACH CHARACTERIZATION AS NEEDED:                  | \$500.00     |
| ITEM #4: | NON-HAZARDOUS IMPACTED WATER FOR RECYCLING/DISPOSAL:  | \$.30/GAL.   |
| ITEM #5: | NON-HAZARDOUS, PETROLEUM-IMPACTED SLUDGE/SOIL FOR RECYCLING/DISPOSAL:   | \$1.00/GAL.  |
| ITEM #6: | RECYCLING/DISPOSAL OF DRUMS OF USED OIL FILTERS:  | \$24.00/DRUM |
| ITEM #7: | PETROLEUM-CONTAMINATED WATER FOR RECYCLING/DISPOSAL:  | \$.30/GAL.   |

**PLEASE NOTE:**

A SIGNED PROPOSAL AND COMPLETED AND APPROVED CREDIT APPLICATION ALONG WITH A DEPOSIT OF \$10,000.00 ARE REQUIRED BY P.M.I. PRIOR TO INITIATING THE WORK.

IF CIRCUMSTANCES BEYOND P.M.I.'S CONTROL REQUIRE DIFFERENT AND ADDITIONAL LABOR NOT INCLUDED ABOVE, THE CLIENT WILL BE CHARGED AT \$70.00 PER MAN-HOUR.

*We Propose* hereby to furnish material and Labor - Complete in accordance with above specifications, for the sum of:

**TOTAL AMOUNT DUE UPON COMPLETION OF THE WORK AND RECEIPT OF THIS INVOICE**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. "A service charge equal to the maximum legal interest allowed by law will be charged on all accounts with balances that are past due, in the event Petroleum Management, Inc., has to retain an attorney to recover any sum that may be due under this agreement or order, then in such event, the customer shall reimburse Petroleum Management, Inc., for all fees incurred together with all costs of litigation and other expenses incurred in connection with said collection." Please be advised that P.M.I. invoicing will only reflect actual quantities removed and the work performed. All agreements contingent upon strikes, accidents or delays beyond our control. Owner shall carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation.

Authorized

Signature \_\_\_\_\_

Judd Gilbert, President

Note: This proposal may be withdrawn by us if not accepted within 30 days.

***Acceptance of Proposal,*** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Terms and conditions are outlined on the back of the proposal.

Signature: \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTHWEST DISTRICT

CONVERSATION RECORD

Date: 4/20/06 Subject: HOWCO UOP Closure Cost Estimate  
Time: 9:15 am Permit No.: FLD 152 764 767  
County: Pinellas  
Mr. Mike Wolfe Telephone No.: 727-267-1067  
Representing: HOWCO Environmental Services

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

Other Individuals Involved In Conversation: None

**Summary of Conversation:**

Mike called to say he had just faxed me the third party quotes for the HOWCO Closure Cost estimate.

Mike asked if there was anything else that we needed for the UOP portion of the permit application. I said that

I had no further requests but Tallahassee might need additional information. I said that there may be a cause to get

HOWCO to authorize another extension of time if he wants the solid waste and used oil to be combined into one

permit. Mike said he would consider it if the Department agrees that HOWCO is currently operating under

a valid permit (the expired permit). I said no, we can't agree to that. He said, well, will the Department agree

that HOWCO is currently operating in compliance with Department Rules? I said we can't agree to that either.

I told Mike I would fax the third party quotes to Tallahassee for review. After looking at the third party quotes,

(Continue on second  
page, if necessary)

Signature: \_\_\_\_\_

*Al B. G. Hart*

Engineering Specialist IV

Title: \_\_\_\_\_



I called Mike back and said that all he gave me were quoted prices, I expected a revised closure cost estimate

form to be submitted. Mike said that the third party quotes are the same values as what HOWCO used in its

original closure cost estimate (dated Jan. 9, 2006) and therefore the cost estimate did not need to be revised.

I said we would look at the information and let him know if it is acceptable.

I then faxed Mike's submittal to Subra Putcha in Tallahassee for review.

Initials: ATC

☐ (b) Recalculated Cost Estimates (complete items IV and V)

#### IV. RECALCULATIONS OF CLOSING COSTS

For the time period in the facility's operation when the extent and manner of its operation makes closing **most expensive**.

Third Party Estimate/Quote must be provided for each item.

Costs must be for a third party providing all materials and labor.

| DESCRIPTION   | UNIT         | QUANTITY      | UNIT COST                           | TOTAL           |
|---|--------------|---------------|-------------------------------------|-----------------|
| <b>1. Decontamination and Disposal</b>  |              |               |                                     |                 |
| Note: These costs must be broken down by individual waste stream. If contamination is found, the cost estimate must be recalculated to include remediation costs. |              |               |                                     |                 |
| a. Used Oil tanks, containers, piping, equipment and secondary containment decontamination  | <u>HRS</u>   | <u>40</u>     | <u>\$220</u> <sup>← TWO MEN ?</sup> | <u>\$ 8,800</u> |
| waste characterization  | <u>EACH</u>  | <u>1</u>      | <u>\$ 500</u> ✓                     | <u>\$ 500</u>   |
| disposal  | <u>GAL</u>   | <u>0</u>      | <u>0</u>                            | <u>0</u>        |
| b. Wash water   |              |               |                                     |                 |
| waste characterization  | <u>EACH</u>  | <u>1</u>      | <u>\$ 500</u> ✓                     | <u>\$ 500</u>   |
| disposal  | <u>GAL</u>   | <u>2000</u>   | <u>\$ 0.30</u> ✓                    | <u>\$ 600</u>   |
| c. Sludges/ sediment  |              |               |                                     |                 |
| waste characterization  | <u>EACH</u>  | <u>1</u>      | <u>\$ 500</u> ✓                     | <u>\$ 500</u>   |
| disposal  | <u>GAL</u>   | <u>2000</u>   | <u>\$ 1.00</u> ✓                    | <u>\$ 2,000</u> |
| d. Used oil filter management   |              |               |                                     |                 |
| waste characterization  | <u>N/A</u>   |               |                                     |                 |
| disposal  | <u>Drums</u> | <u>75</u>     | <u>\$ 24.00</u> ✓                   | <u>\$ 1,800</u> |
| e. Petroleum Contaminated Water (PCW), tanks, containers, piping, equipment and secondary containment   |              |               |                                     |                 |
| waste characterization  | <u>EACH</u>  | <u>1</u>      | <u>\$ 500</u> ✓                     | <u>\$ 500</u>   |
| disposal  | <u>GAL</u>   | <u>20,000</u> | <u>\$ 0.30</u> ✓                    | <u>\$ 6,000</u> |
| f. Mobilization Costs   | <u>EACH</u>  | <u>1</u>      | <u>\$ 500</u> ✓                     | <u>500</u>      |
| g. other _____  |              |               |                                     |                 |

Subtotal (1) Decontamination/Disposal: \$ 21,700

22  
40  
\$880 / man

400 HRS

2. Engineering (on-site inspections and Quality Assurance are to be included in this item).

a. Closure sampling and analysis plan implementation as described in the permit application

b. Closure Certification Report

47,800

11,360

WILL ACCEPT \$7800  
FOR ANALYSIS ONLY  
NOT SAMPLING or  
obtaining soil  
samples

Subtotal (2) Professional Services:

12,140

Subtotal of (1) and (2) Above:

23,840

2,400

3. Contingency (10% of the Subtotal)

Closing Cost Subtotal:

26,240

TOTAL CLOSING COST:

26,240

V. CERTIFICATION BY ENGINEER and OWNER/OPERATOR

This is to certify that the Financial Assurance Cost Estimates pertaining to the engineering features of the this solid waste management facility have been examined by me and found to conform to engineering principals applicable to such facilities. In my professional judgment, the Cost Estimates are a true, correct and complete representation of the financial liabilities for closing of the facility, and comply with the requirements of Florida Administrative Code (F.A.C.), Rule 62-701.630 and all other Department of Environmental Protection rules, and statutes of the State of Florida. It is understood that the Financial Assurance Cost Estimates shall be submitted to the Department annually between January 1 and March 1 of each year and revised, adjusted and updated as required by Rule 62-701.630(4), F.A.C.

John M. Jones  
Signature of Engineer

JOHN M. JONES  
Engineer's Name and Title (please print or type)

Tim Hagan Pres  
Signature of Owner/Operator

Tim Hagan President & CEO  
Owner's Name and Title (please print or type)

50227  
Florida Registration Number (please print or type)

727-327-8467  
Owner/Operator's Telephone Number

10200 USA TODAY WAY  
Engineer's Mailing Address  
MIRAMAR, FL 33025

thagan@tampabay.rr.com  
Owner/Operator's E-Mail Address

(954) 817-2273  
Engineer's Telephone Number

johnm.jones@bellsouth.net  
Engineer's email address

04/19/2006 09:14

9547883712

JACK MCCULLY JAM ENV

PAGE 01

**JAM ENVIRONMENTAL**  
E VACUUM SERVICES LLC  
**954-788-3711**  
**877-788-3711**  
24 HOUR EMERGENCY RESPONSE  
POMPANO BEACH FL

Michael Wolfe  
Howco Environmental Services  
3701 Central Avenue  
St. Petersburg, Florida 33713

VIA FACSIMILE (727) 321-6213

Dear Mr. Wolfe,

Per our conversation, JAM Environmental and Vacuum Services, LLC (JAM) is please to provide the following quote for decommissioning services.

Decontamination labor by environmental technicians - \$22.00 per hour  
Waste analysis for characterization: \$500 each  
Wastewater transportation and disposal - \$0.30 per gallon  
Sludge transportation and disposal - \$1.00 per gallon  
Transportation and disposal of used oil filters - \$24.00 per 55-gallon drum  
PCW transportation and disposal - \$0.30 per gallon  
Mobilization - \$500 per unit

I am sure certain other auxillary supplies and services would be required, in general personal and safety equipment will be \$50 per man per day.

Please feel free to contact me at either the office @ 877 788 3711 or cell @ 561 762 4227.

Thanks for the opportunity to work with you.

Jack McCully,  
President,  
JAM Environmental & Vacuum Services, LLC  
April 19, 2006

**USED OIL + FILTER RECYCLING**  
**DRUM SERVICES**  
**INDUSTRIAL WASTE WATER**

**VAC-CON SERVICES - JET RODDER**  
**STORM DRAIN - HYDRO EXCAVATION**  
**PETROLEUM TANK CLEANING**

**Petroleum Management, Inc.**

2191 S.W. 115 Terrace

Davie, Florida 33325

(954) 581-4455 ☎ Fax (954) 583-0252

**PROPOSAL /ACCEPTANCE FOR SERVICES**

Proposal Submitted To: Howco Environmental Services

Fax: (727) 321-6213

Date: 4/19/06

Email: mikewolfe@howcousa.com

Street: 3701 Central Avenue

Job Name: Same

City, State, and Zip Code: St. Petersburg, Florida 33713

Job Location: Same

Attention: Mr. Mike Wolfe

PETROLEUM MANAGEMENT, INC. IS PLEASED TO SUBMIT OUR PROPOSAL FOR LABOR, EQUIPMENT, MATERIALS AND TRANSPORTATION FOR THE WORK REQUIRED TO PROVIDE PERSONNEL AND EQUIPMENT TO PERFORM DECONTAMINATION SERVICES FOR STORAGE TANKS AND CONTAINMENTS AS REQUIRED. ITEMIZED WORK AND UNITS COSTS AS BELOW.

**THIS WORK AS ITEMIZED BELOW:**

|                     |   |                     |
|---------------------|---|---------------------|
| ITEM #1:            | MOBILIZATION TO SITE FOR EACH WORK CREW AND TRUCK:  | \$500.00            |
|                     | <b>NOTE:</b> HOWCO WILL PROVIDE REASONABLE HOTEL AND PER DIEM AS REQUIRED FOR P.M.L PERSONNEL.                |                     |
| ITEM #2:            | EACH WORK CREW CONSISTS OF TWO (2) TRAINED FIELD TECHNICIANS WITH P.P.E. AND ONE (1) TRUCK. PORTAL TO PORTAL: | \$220.00/HR.        |
| <del>ITEM #3:</del> | <del>LABORATORY ANALYSIS BY A SITE LOCAL F.D.E.P. LABORATORY FOR EACH CHARACTERIZATION AS NEEDED:</del>       | <del>\$500.00</del> |
| ITEM #4:            | NON-HAZARDOUS IMPACTED WATER FOR RECYCLING/DISPOSAL:  | \$1.30/GAL.         |
| ITEM #5:            | NON-HAZARDOUS, PETROLEUM-IMPACTED SLUDGE/SOIL FOR RECYCLING/DISPOSAL:   | \$1.00/GAL.         |
| ITEM #6:            | RECYCLING/DISPOSAL OF DRUMS OF USED OIL FILTERS:  | \$24.00/DRUM        |
| ITEM #7:            | PETROLEUM-CONTAMINATED WATER FOR RECYCLING/DISPOSAL:  | \$1.30/GAL.         |

**PLEASE NOTE:**

A SIGNED PROPOSAL AND COMPLETED AND APPROVED CREDIT APPLICATION ALONG WITH A DEPOSIT OF \$10,000.00 ARE REQUIRED BY P.M.L PRIOR TO INITIATING THE WORK.

IF CIRCUMSTANCES BEYOND P.M.L'S CONTROL REQUIRE DIFFERENT AND ADDITIONAL LABOR NOT INCLUDED ABOVE, THE CLIENT WILL BE CHARGED AT \$70.00 PER MAN-HOUR.

*We Propose* hereby to furnish material and Labor - Complete in accordance with above specifications, for the sum of:

**TOTAL AMOUNT DUE UPON COMPLETION OF THE WORK AND RECEIPT OF THIS INVOICE.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. "A service charge equal to the maximum legal interest allowed by law will be charged on all accounts with balances that are past due, in the event Petroleum Management, Inc., has to retain an attorney to recover any sum that may be due under this agreement or order, then in such event, the customer shall reimburse Petroleum Management, Inc., for all fees incurred together with all costs of litigation and other expenses incurred in connection with said collection." Please be advised that P.M.I. invoicing will only reflect actual quantities removed and the work performed. All agreements contingent upon strikes, accidents or delays beyond our control. Owner shall carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation.

Authorized

Signature \_\_\_\_\_

Judd Gilbert, President

Note: This proposal may be withdrawn by us if not accepted within 30 days.

***Acceptance of Proposal,*** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Terms and conditions are outlined on the back of the proposal.

Signature: \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature: \_\_\_\_\_

## **ATTACHMENT 8**

### **CLOSURE PLAN**

#### **USED OIL CLOSURE**

The used oil processing and storage portion of the facility will be closed independently of the solid waste processing area. Both closure activities will be conducted concurrently in the event the facility finds it necessary to implement closure actions.

#### **GENERAL/APPLICABILITY**

This closure plan has been adopted in accordance with Chapter 62-710 Used Oil Management and Federal Register/Rules and Regulations 40 CFR Part 279.54 (h). The facility includes five approved ATRP eligible facilities, pursuant to which the State of Florida will clean up contamination under a schedule to be determined by the state based on the risk posed by the site. At this time, the sites have a score of seven (7), indicating the low priority, which the state has assigned to the sites. Prior to closing, the state will clean up eligible areas post-closure. Other areas are eligible for the PCPP and will be remediated by the state subject to co-payment.

#### **CHARACTERISTICS AND SAMPLING**

In the event the Company intends to close the used oil operations, the following procedures will control the closure activities:

- Used oil will be processed and sold.
- Waste waters will be processed through the wastewater facility located on the site as per Attachment 3 - Item 3.11
- Solids and residue will be disposed of as per Attachment 5 - "Solids Handling" of this Permit Application.
- Soil - If stained soil is present at the time of closure in areas that are not eligible for state-funded cleanup, one soil sample per site will be assigned to each distinct non-eligible location where contaminated soil exists. From each sample site, a representative sample should be collected for each *five*-(5) feet strata of contaminated soil. Soil will be analyzed for parameters in F.A.C. 62.770,
- Used Filters - A small quantity of used oil filters may be on hand at closure. These filters would be compacted and sold as scrap metal to a steel melting plant or scrap wholesaler.
- Miscellaneous oil residues will be removed from all filters, meters and pumps located at the facility.

### SOIL SAMPLING FOR NON-ELIGIBLE AREAS

For non-eligible areas, soil samples will be analyzed for EPA Method 8260, 8270, FLAPRO and the TCLP metals Arsenic, Cadmium, Chromium and Lead. Sampling of the below listed areas will be performed in accordance with SW-846, or current sampling methods.

Groundwater will be sampled for EPA Method 624 (8260), 625 (8270), FLAPRO, arsenic, cadmium, chromium and lead. The above analytical methods selected are for used oil in soil and water. The monitoring wells will be analyzed for constituents, as set forth above to differentiate any eligible petroleum contamination from ineligible used oil contamination.

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 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-600/2-80-01 8 "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.



## 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.

## SOLIDS GENERATED AT CLOSURE

The disposal of solids generated during the closure are the same as residue discussed in the closure Attachment Decontamination. For the purpose of closure, residue and solids are identical in nature.

### ITEM 10.1.1 SCHEDULE FOR CLOSURE

The closure schedule will be dependent on the Company's ability to remove product and residues from the tank and piping system and coordinated through the State of Florida and pursuant of the work to be funded and remediated under the ATRP, and PCPP program, etc. Efforts will be made to remove oil product and residues within six (6) months of any operation shutdown, which intends permanent closure of the processing facility. Delays in the closure process associated with regulatory compliance issues may occur, and likely will impact the proposed schedule. The day closure activities are initiated is "D" day. Closure activities will be completed at D+365 days. The actual extent of contamination will be identified in the closure process. The closure schedule may be impacted based upon the amount and type of contamination identified if any.

Closure schedule:

| Scheduled Event<br>Closure Initiated)               | Scheduled Event Item Complete (Days After |
|---|---|
| Closure initiated                                   | D   |
| Solid Waste Removed from Facility                   | D+30                                      |
| Used oils processed and sold or removed (Six Weeks) | D+42                                      |
| Decontaminate storage tanks and piping (Six Weeks)  | D+84                                      |
| Removal of tanks and piping (Eight Weeks)           | D+140                                     |
| Soil sampled and analyzed (Four Weeks)              | D+168                                     |
| Solid Waste Closure Complete                        | D+180                                     |

|   |       |
|---|-------|
| Oil water separator cleaned and closed<br>(Three Weeks) | D+189 |
| Groundwater Analysis (Eight Weeks)                      | 0+245 |
| Contaminated Soil Removal & Disposal<br>(Eight Weeks)   | 0+301 |
| Final Closure Certification Submittal (64<br>Days)      | D+365 |

### **SOLID WASTE CLOSURE**

The closure of the solid waste processing area is to be conducted concurrently with the closure of the used oil processing area. The solid waste closure plan applies only to solid waste stored on the area shown as the Solids Storage Area on Drawing 10-2 and the associated containment area.

The maximum quantity of solid waste stored at the Company Solids Storage Area will be 22,000 gallons. The maximum containment volume for the Solids Storage Area is 22,500 gallons. The volume of solid waste stored in the Solids Storage Area will not exceed 22,000 gallons. The solid waste will be stored in roll off boxes and containers. The solid waste will be marked with either "Processed Solids" or "Unprocessed Solids". The volume of the containers stored at the facility will be based upon the following chart or an equivalent conversion. Any combination of the different types of storage containers may be used as long as the total volume of solid waste stored does not exceed 22,000 gallons. The closure cost estimate has been prepared using the disposal cost for the 22,000 gallons of solid waste being in 55 gallon drums which is the most expensive to dispose of per unit volume. Used oil filters will not be managed as solid waste under this permit.

#### **CONTAINER CAPACITY CHART FOR SOLID WASTE STORAGE**

|                                |                     |
|--------------------------------|---------------------|
| <u>55 GALLON DRUM</u>          | <u>55 GALLONS</u>   |
| <u>500 GALLON TOTE</u>         | <u>500 GALLONS</u>  |
| <u>15 CUBIC YARD CONTAINER</u> | <u>3030 GALLONS</u> |
| <u>20 CUBIC YARD CONTAINER</u> | <u>4040 GALLONS</u> |

### **SOLID WASTE CLOSURE PLAN 62-701.700(3)(d)**

Copies of this closure plan are kept in the facility's office permanent files.

This plan identifies steps that will be used to close the Solids Storage Area with respect to solid waste activities at the end of its intended operating life. No partial closure will be attempted.

Any modification to the existing operation plans or facility's design affecting the closure plan will result in the revision and updating of this closure plan.

The facility will maintain an on-site copy of the approved solid waste closure plan and all revisions to the plan until the certification of closure-completeness has been submitted to and accepted by the State of Florida Department of Environmental Protection, Southwest District Office.

The Company will notify the State of Florida DEP, Southwest District, at least 180 days prior to the date the Company expects to commence solid waste closure activities.

Upon completion of the solid waste closure, the Company will submit to the State of Florida DEP, Southwest District office, a certification by both the Company and an independent registered professional environmental engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

#### **Closure Performance Standard**

This closure plan was designed to insure that the facility would not require further maintenance and controls. It minimizes or eliminates threats to human health and the environment and prevents escape of special waste, waste constituents, contaminated rainfall runoff, waste decomposition products to the ground or surface waters or into the atmosphere.

All operation activities will be inside containers within the confines of the asphalt or concrete pad, so no ground/soil contamination is to be expected during the storage/bulking of wastes at the facility.

- a) Any spillage of waste onto the impermeable surface would not result in any permanent contamination of that surface after the spill cleanup.
- b) In the unlikely event of any accidental spillage of waste onto the uncovered ground (roadway, access way, etc.) on the property during ingress and egress to the facility's impermeable pad would be dealt with immediately as a spill as outlined in the contingency plan. No permanent contamination would result necessitating any closure decontamination.
- c) When closure is implemented and the facility is out of service, all solid waste, solid waste vehicles and solid waste process equipment will be removed from the facility property within 30 days.
- d) A facility inspection will be made with an independent registered professional environmental engineer to inspect for:
  - waste containers on site,
  - process equipment on site,
  - waste transport vehicle on site,
  - distressed vegetation on site,
  - odors,
  - anomalous residue or chemical debris on site,
  - degeneration or corrosion of impermeable areas on site.
- e) In the event evidence is found at the time of closure that a solid waste discharge may have occurred, the Company shall implement the following:
  - \* All appropriate agencies will be notified;
  - \* Standard response actions will be initiated to remove and contain the suspected contaminate;
  - \* Samples of the affected area and background areas will be taken to determine the type and extent of contamination;
  - \* Once immediate or emergency steps have been completed, an assessment plan will be written;

- \* Subject to the completion of the assessment, a final remedial action plan will be written and implemented to restore the site.

### **Amendment of Closure Plan**

In the event that the Company wishes to amend the approved solid waste closure plan prior to final closure of the facility, the Company will submit a written request to the Southwest District Office of the FDEP to authorize the change. The written request will include a copy of the amended closure plan for approval by Southwest District FDEP.

Consideration for amending the approved closure plan include:

- f) Changes in facility size and capacity.
- g) Changes in operation procedure.
- h) Unexpected events requiring closure plan modifications.
- i) Unexpected events requiring closure plan change during closure.

The following amendment time schedule will be adhered to. The Company will submit the amended solid waste closure plan to Southwest District Office of FDEP --

- a) At least 30 days prior to a proposed change in the facility design/operation.
- b) No later than 30 days after an unexpected event requires closure plan change.

In the event that the FDEP Southwest District Office requires a modification of the approved solid waste closure plan, the Company will submit the modified plan:

- a) Within 30 days of the request
- b) Within 30 days if the request is due to an unexpected event during closure.

**Disposal or Decontamination of Equipment, Structures and Soils:**

During the closure of this facility, any spill that may occur will be cleaned up immediately under the procedures established by the Contingency Plan.

In the event of a discharge, soils adjacent to the asphalt and concrete pads will be tested for contamination with current test procedures at the time and under the direction of the FDEP Southwest District Office. In the event contamination is found, the contaminated soils that exceed Clean Soil Guidance Criteria will be removed and transported by a permitted transporter to an approved disposal facility.

### **Certification of Closure**

Within 180 days of receipt of final waste, all closure activities will be complete and the Company will submit to the FDEP, Southwest District Office by registered mail a certification that the facility has been closed in accordance with the specifications in the approved closure plan. The certification will be designed by an authorized representative

and by an independent registered professional environmental engineer. Documentation supporting the independent registered professional environmental engineer's certification will be furnished upon request to the Southwest District Office of FDEP until such time as the office releases the company from further responsibility for closure (62-701.630 - FAC).

**ITEM 10.1.1 SOLID WASTE CLOSURE COST ESTIMATE**

The Table 10-1 cost estimate for solid waste closure costs is being provided to calculate the dollar amount needed to close the solid waste portion of the Company's used oil processing facility at the end of its intended operating life. The financial responsibility requirements of F.A.C. 62-701.630 will be by the Company.

Each year on its permit anniversary date the Company will submit to the State of Florida DEP office in Tampa, an adjustment of the cost estimate based on inflation. Procedures for providing cost adjustments due to changes in the facility operations are addressed in the facility's Solid Waste Closure Plan.

The Company will guarantee the funding necessary for closure through a Certificate of Insurance for Pollution Liability & Closure/Post Closure or by a Surety Bond.

**Solid Waste Closure Cost Estimate.**

**Disposal of Materials Remaining on Site (Price includes: loading, handling, transportation and disposal)**

|                          |             |
|--------------------------|-------------|
| 400 Drums x \$50.00/Drum | = \$20,000. |
| Subtotal:                | \$20,000.   |

**Sampling Labor, Oversight and Analysis**

|                     |                               |             |
|---------------------|-------------------------------|-------------|
| Engineer            | \$70.00/Hr. x 8 Hrs. x 2 Days | = \$ 1,120. |
| Sampling Technician | \$35.00/Hr. x 8 Hrs. x 2 Days | = \$ 560.   |
| Analysis            | \$3 00.00/ Drum x 20 Each     | = \$ 6,000. |
| Mileage             | \$0.30/Mile x 400 Miles       | = \$ 120.   |
| Subtotal            |                               | \$ 7,800.   |

**Solid Waste Storage Slab Decontamination**

|                 |  |             |
|-----------------|--|-------------|
| Labor           | \$45.00/Hr x 4 Personnel x 8 Hrs. x 3 Days | = \$ 4,320. |
| Vac Tanker      | \$90/HR x 8 Hrs x 5 Days                   | = \$ 3,600. |
| PPE             | \$10/Unit x 4 Personnel x 3 Days           | = \$ 120.   |
| Analysis        | \$300/Sample x 1 each                      | = \$ 300.   |
| IWW Disposal    | \$0.25/Gallon x 5000 Gallons               | = \$ 1,250. |
| Perdiem         | \$35.00/Day x 4 Personnel x 3 Days         | = \$ 420.   |
| Hotel           | \$75.00/Day x 4 Personnel x 3 Days         | = \$ 900.   |
| Pressure Washer | \$175.00/Day x 3 Each x 3 Days             | = \$1,575.  |

HOWCO  
Used Oil Permit Application

Revision 2  
January 9, 2006

|                    |                                |           |
|--------------------|--------------------------------|-----------|
| Crew Truck         | \$125.00/Day x 1 Each x 3 Days | =\$ 375.  |
| Cleaner            | \$400.00/Drum x 1 Each         | =\$ 400.  |
| Mileage Vac Tanker | \$1.00/Mile x 400 Miles        | =\$ 400.  |
| Mileage Crew Truck | \$0.35/Mile x 400 Miles        | =\$ 140.  |
| Engineer           | \$70.00/Hour x 24 Hours        | =\$1,680. |
| Mileage            | \$0.30/Mile x 400 Miles        | = \$ 120. |
| Subtotal           |                                | \$15,600. |

**Engineering Closure Report**

|          |   |           |
|----------|---|-----------|
| Engineer | \$70.00/Hour x 16 hours                 | \$1,120.  |
| Mileage  | \$ 0.30/Mile x 400 Miles/Trip x 2 Trips | = \$ 240. |
| Subtotal |   | \$ 1,360. |

**Total Closure Cost**

The total estimated solid waste closure cost is \$58,760.00 for the Solids Storage Area and containment area as shown on Drawing 10-2.

**USFILTER RECOVERY SERVICES MID-ATLANTIC  
PLANT CITY, FLORIDA FACILITY**

**CLOSURE DECONTAMINATION COST ESTIMATE**

**Unit Transportation and Disposal Costs**

|                       |          |  |
|-----------------------|----------|--|
| Oily water            | \$0.16   | \$/Gal   |
| Oily Sludge Liquid    | \$1.44   | \$/Gal   |
| Oily Solids (Non-Haz) | \$42.00  | \$/Ton   |
| Oily liquids (Haz)    | \$0.25   | \$/Gal   |
| Oily Solids (Haz)     | \$150.00 | \$/Ton   |
| Virgin vehicle fuels  | \$0.00   | \$/Gal (may assume zero cost with salvage value) |

**NOTE:  
ALL COSTS REPRESENT COMMERCIAL  
THIRD PARTY COSTS FOR SITE AT  
FULL CAPACITY**

**Site Safety and Operations Plan** [ 10000 ]

Lump Sum  
\$10,000

**TANKS - DISPOSAL OF INVENTORY AND DECONTAMINATION**

Total Number of Tanks [ 28 ]  
Tank Content Characterization TCLP+PCB [ \$1,200 /Sample ] \$33,600

**Maximum Inventory**

|                        | % vol. Pumpable | Pump volume | \$/Gal        | Total            |
|------------------------|-----------------|-------------|---------------|------------------|
|                        |                 |             | Disposal cost | Disposal Cost    |
|                        |                 |             | as oily water |                  |
| Total Number of Tanks  | 28              |             |               |                  |
| Total tank volume, gal | 1633700         | 90          | 1470330       | \$0.16 \$235,253 |
| vehicle diesel, gal    | 10000           | 95          | 9500          | \$0.00 \$0       |

**Liquid/sludge by Vac Truck**

|                        | % vol. Vac Truck | Vac volume | \$/Gal         | Total           |
|------------------------|------------------|------------|----------------|-----------------|
|                        |                  |            | Disposal cost  | Disposal Cost   |
|                        |                  |            | as oily sludge |                 |
| Total Number of Tanks  | 28               |            |                |                 |
| Total tank volume, gal | 1633700          | 3          | 49011          | \$1.44 \$70,576 |
| vehicle diesel, gal    | 10000            | 5          | 500            | \$1.44 \$720    |

*Note: Confined Space Procedures for Tank Entry-PPE Level C if Required*

**Solids Removal**

|                        | % vol. Solids | Tons          | \$/Ton         | Total            |
|------------------------|---------------|---------------|----------------|------------------|
|                        |               | Solids volume | Disposal cost  | Disposal Cost    |
|                        |               |               | as oily solids |                  |
| Total Number of Tanks  | 28            |               |                |                  |
| Total tank volume, gal | 1633700       | 7             | 560.3591       | \$42.00 \$23,535 |
| vehicle diesel, gal    | 10000         | 0             | 0              | \$42.00 \$0      |

**Initial Tank Cleaning for 24 Hours with  
Steam Condensate (as % tank volume)**

|                        | % vol. Vac Truck | Gal        | \$/Gal         | Total           |
|------------------------|------------------|------------|----------------|-----------------|
|                        |                  | Vac Volume | Disposal cost  | Disposal Cost   |
|                        |                  |            | as oily sludge |                 |
| Total Number of Tanks  | 28               |            |                |                 |
| Total tank volume, gal | 1633700          | 2          | 32674          | \$1.44 \$47,051 |
| vehicle diesel, gal    | 10000            | 0          | 0              | \$1.44 \$0      |

**High Pres. Steam Clean (as % tank volume)**

|                        | % vol. Vac Truck | Gal        | \$/Gal        | Total          |
|------------------------|------------------|------------|---------------|----------------|
|                        |                  | Vac Volume | Disposal cost | Disposal Cost  |
|                        |                  |            | as oily water |                |
| Total Number of Tanks  | 28               |            |               |                |
| Total tank volume, gal | 1633700          | 3          | 49011         | \$0.16 \$7,842 |
| vehicle diesel, gal    | 10000            | 2          | 200           | \$0.16 \$32    |

(includes associated piping, appurtances, etc)

**Containment Steam Clean (as % tank volume)**

|                        | % vol. Vac Truck | Gal        | \$/Gal        | Total          |
|------------------------|------------------|------------|---------------|----------------|
|                        |                  | Vac Volume | Disposal cost | Disposal Cost  |
|                        |                  |            | as oily water |                |
| Total Number of Tanks  | 28               |            |               |                |
| Total tank volume, gal | 1633700          | 2          | 32674         | \$0.16 \$5,228 |
| vehicle diesel, gal    | 10000            | 0          | 0             | \$0.16 \$0     |

**Container Storage Areas**

|   | Number Units | Gal or Tons<br>total volume | Gal or Tons<br>\$/Unit T&D) |           |
|---|--------------|-----------------------------|-----------------------------|-----------|
| Non-Haz Drums, solids                                     | 200          | 52                          | \$42.00                     | \$2,184   |
| Non-Haz Drums, liquids                                    | 200          | 11000                       | \$0.16                      | \$1,760   |
| Haz Drums, Liquids  | 10           | 550                         | \$0.25                      | \$138     |
| Haz Drums, solids   | 10           | 2.6                         | \$150.00                    | \$390     |
| Roll-off boxes (@20cy/box)                                | 4            | 78                          | \$42.00                     | \$3,276   |
| Surficial stained soil boxes                              | 1            | 19.5                        | \$42.00                     | \$819     |
| General cleanup   |              |                             |                             |           |
| Container Characterization - 10% of Drums + rolloff boxes |              |                             |                             | TCLP cost |
| Number analytical samples                                 | 35           |                             | \$1,200.00                  | \$42,000  |

**Inventory & Decontamination Manpower Costs**

| Classification    | Florida 2002<br>Prevailing<br>Wage Rate | Contractor<br>Billing Rate<br>Multiplier | Total Cost<br>for 8-hr day |
|-------------------|---|--|----------------------------|
| Engineer, Manager | 33.76                                   | 3.5                                      | 945.28                     |
| Project Engineer  | 21.46                                   | 3.5                                      | 600.88                     |
| Haz Waste Laborer | 13.35                                   | 3.2                                      | 341.76                     |

Assume 43 Work Days for Disposal of Material Inventory and  
Labor Crew Size 5 Decontamination of Tanks and Site Equipment

| Classification                    | Man-days | Daily Cost | Total Cost |
|-----------------------------------|----------|------------|------------|
| Engineer, Mgr @33%time            | 14       | 945.28     | \$13,414   |
| Project Engineer, Site Supervisor | 43       | 600.88     | \$25,838   |
| Haz Waste Laborer                 | 215      | 341.76     | \$73,478   |
|                                   |          |            | \$112,730  |

**Summary Report of Decontamination Activities**

Lump Cost \$10,000

|  | Number days | Cost  |                    |
|--|-------------|-------|--------------------|
| Equipment Rental Costs, Supplies, Safety, Etc. | 43          | \$500 | Per day \$21,500   |
| Cleanup Verification Samples (#tanks + 30%)    | 36          | \$250 | Per sample \$9,100 |

**Soil and Groundwater Site Assessment**

|                         | Lump Costs | (Initial Phase II Reconnaissance Level)    |
|-------------------------|------------|--|
| Drilling (Geoprobe)     | \$5,000    | (includes investigative material disposal) |
| Analytical (20 samples) | \$9,000    | (PPE at Level D)                           |
| Geoscience Labor        | \$12,000   |  |
| Total                   | \$26,000   | \$26,000                                   |

|  |                  |
|--|------------------|
| Total Decommissioning Cost                         | \$663,732        |
| Contingency % 15                                   | \$99,560         |
| Administrative % 10                                | \$66,373         |
| <b>TOTAL CLOSURE DECONTAMINATION COST ESTIMATE</b> | <b>\$829,665</b> |

2003 Cost Estimate x 1.015 = 2004 Cost Estimate

\$829,665 x 1.015 = \$842,110

2004 Cost Estimate x 1.020 = 2005 Cost Estimate

\$842,110 x 1.020 = \$858,953

**2005 TOTAL CLOSURE DECONTAMINATION COST ESTIMATE \$858,953.00**



NOTE: Cost Estimate is based upon removal of inventory and the decontamination of the facility to a safe clean condition suitable for further ordinary business usage of the facility or disposition of the facility through ordinary bankruptcy proceedings. The Cost Estimate does not include demolition of any tanks or structures to a greenfield condition.

10 WEEKS

Remove  
decontaminate  
soil sampling

USED OIL — Processed and Sold

WASTEWATERS — Processed and discharged to POTW

SOLIDS/RESIDUE — DISPOSAL

SOIL — NON ELIGIBLE, STAINED AREAS, ONE SAMPLE/EACH AREA 5 feet thick  
IF CONTAMINATION FOUND — DO TWO SAMPLES

USED FILTERS — SMALL QUANTITY — COMPACTED & SOLD AS SCRAP METAL

OIL RESIDUES — REMOVED.

TANKS — SOLD OR DISPOSED AS SCRAP

5 SOIL SAMPLES / TANK FARM

1 " " / STORMWATER drain area

1 " " / OIL WATER Separator

6 " " SOUTHWEST portion of facility

5 " " Random

$$\left. \begin{array}{l} (18) \text{ SOIL} \\ (8) \text{ OIL SLUDGE} \end{array} \right\} (26)(300) = \$7,800$$

Add \$1800 to get samples

\$19,000

Decontaminate refinery area and tank farm

Cleaner 400  
New Truck 600  
Engineer 2000

7200 Labor 4 men 5 days  
3600 VAC TRUCK  
200 PPE 4-men 5 days  
wastewater disposal  
700 Per Diem  
1500 HOTEL  
2500 Pressure Washer

## Gephart, Albert

---

**From:** Kutash, William  
**Sent:** Wednesday, April 19, 2006 12:14 PM  
**To:** McGuire, Chris; Pelz, Susan  
**Cc:** Morgan, Steve; Gephart, Albert; Watson, Stephanie M.  
**Subject:** RE: Howco Environmental Services

Chris ,

How about 2:30 this afternoon? Primary focus - one permit or two? (sounds like UO is ready to go but our part will be several weeks at best).  
Propose that we respond separately to the "timely permit application" I'll ask Stephanie to put an enforcement letter (?warning letter?) draft together and we can run it around and discuss next week before it goes out.

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

**From:** McGuire, Chris  
**Sent:** Wednesday, April 19, 2006 10:41 AM  
**To:** Pelz, Susan  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** RE: Howco Environmental Services

I have lots of openings after about 1:30 today, and tomorrow after 10:30. Augusta and I have both weighed in on the used oil permit, but you can deal directly with me about it just to keep things simple.

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

**From:** Pelz, Susan  
**Sent:** Wednesday, April 19, 2006 7:02 AM  
**To:** McGuire, Chris  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** FW: Howco Environmental Services

Chris,

Bill & I would like to discuss this latest with you..... How & who should respond. We want to separate the non-compliance issues (untimely submittal question) from the permitting issues (info they will be sending us). The current 90-day waiver expires 6/30/06.

When are you available to discuss with us? Are you also representing the used oil permitting (TAL RCRA staff) side of this, or do they have another attorney?

Susan

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

**From:** MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]  
**Sent:** Tuesday, April 18, 2006 4:47 PM  
**To:** Kutash, William  
**Cc:** al.gephart@dep.state.fl.us; McGuire, Chris;  
doug.outlaw@dep.state.fl.us; jim.dregne@dep.state.fl.us;  
rick.neves@dep.state.fl.us; steven.morgan@dep.state.fl.us; Putcha,  
Subra; Pelz, Susan; RALPH A DEMEO; MikeWolfe@howcousa.com  
**Subject:** Howco Environmental Services

Bill - Please see the attached letter.

Michael P. Petrovich  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314-6526  
(850) 425-2254  
(850) 224-8551 (fax)

## Gephart, Albert

---

**From:** Gephart, Albert  
**Sent:** Wednesday, April 19, 2006 10:46 AM  
**To:** Pelz, Susan  
**Subject:** FW: Howco Environmental Services

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

**From:** Outlaw, Douglas  
**Sent:** Wednesday, April 19, 2006 10:45 AM  
**To:** Gephart, Albert  
**Cc:** Dregne, James  
**Subject:** RE: Howco Environmental Services

As far as I know, Chris is the right attorney to talk to at this point on both the used oil and solid waste permit applications. I'm sure Chris will respond to Susan and we'll follow his response either way.

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

**From:** Gephart, Albert  
**Sent:** Wednesday, April 19, 2006 7:05 AM  
**To:** Outlaw, Douglas; Putcha, Subra; Kothur, Bheem  
**Subject:** FW: Howco Environmental Services

F Y I

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

**From:** Pelz, Susan  
**Sent:** Wednesday, April 19, 2006 7:02 AM  
**To:** McGuire, Chris  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** FW: Howco Environmental Services

Chris,

Bill & I would like to discuss this latest with you..... How & who should respond. We want to separate the non-compliance issues (untimely submittal question) from the permitting issues (info they will be sending us). The current 90-day waiver expires 6/30/06.

When are you available to discuss with us? Are you also representing the used oil permitting (TAL RCRA staff) side of this, or do they have another attorney?

Susan

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

**From:** MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]  
**Sent:** Tuesday, April 18, 2006 4:47 PM  
**To:** Kutash, William  
**Cc:** al.gephart@dep.state.fl.us; McGuire, Chris; doug.outlaw@dep.state.fl.us; jim.dregne@dep.state.fl.us; rick.neves@dep.state.fl.us; steven.morgan@dep.state.fl.us; Putcha, Subra; Pelz, Susan; RALPH A DEMEO; MikeWolfe@howcousa.com  
**Subject:** Howco Environmental Services

Bill - Please see the attached letter.

Michael P. Petrovich  
Hopping Green & Sams, P.A.  
P.O. Box 6526

## **Gephart, Albert**

---

**From:** McGuire, Chris  
**Sent:** Wednesday, April 19, 2006 10:41 AM  
**To:** Pelz, Susan  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** RE: Howco Environmental Services

I have lots of openings after about 1:30 today, and tomorrow after 10:30. Augusta and I have both weighed in on the used oil permit, but you can deal directly with me about it just to keep things simple.

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

**From:** Pelz, Susan  
**Sent:** Wednesday, April 19, 2006 7:02 AM  
**To:** McGuire, Chris  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** FW: Howco Environmental Services

Chris,

Bill & I would like to discuss this latest with you..... How & who should respond. We want to separate the non-compliance issues (untimely submittal question) from the permitting issues (info they will be sending us). The current 90-day waiver expires 6/30/06.

When are you available to discuss with us? Are you also representing the used oil permitting (TAL RCRA staff) side of this, or do they have another attorney?

Susan

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

**From:** MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]  
**Sent:** Tuesday, April 18, 2006 4:47 PM  
**To:** Kutash, William  
**Cc:** al.gephart@dep.state.fl.us; McGuire, Chris;  
doug.outlaw@dep.state.fl.us; jim.dregne@dep.state.fl.us;  
rick.neves@dep.state.fl.us; steven.morgan@dep.state.fl.us; Putcha,  
Subra; Pelz, Susan; RALPH A DEMEO; MikeWolfe@howcousa.com  
**Subject:** Howco Environmental Services

Bill - Please see the attached letter.

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

Notice: The information contained in this e-mail message is Attorney/Client Privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (850)

## Gephart, Albert

---

**From:** Gephart, Albert  
**Sent:** Wednesday, April 19, 2006 10:28 AM  
**To:** Dregne, James; Putcha, Subra  
**Cc:** Kutash, William; Pelz, Susan; Morgan, Steve; Outlaw, Douglas; Kothur, Bheem  
**Subject:** HOWCO Used Oil Processor Closure Cost Estimate.

Mike Wolfe called at 10:15 am to say that he has the third party used oil processor closure cost estimate but is on the road today and will not get it to us until tomorrow (4/20/06). I told him that we had given him a 4/21/06 deadline and tomorrow would be Okay. He said that if they agree to the processed oil sampling frequency of once every 2 weeks would that resolve all of the used oil issues. I told him that I did not have any further requests from him but that decision would come from Tallahassee and they are out of the office for the major portion of this week.

I guess he was satisfied with that, the discussion ended.

Al

*AFG*

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

4/19/2006

## Gephart, Albert

**From:** Gephart, Albert  
**Sent:** Wednesday, April 19, 2006 7:46 AM  
**To:** Pelz, Susan; McGuire, Chris  
**Cc:** Morgan, Steve; Kutash, William; Dregne, James; Outlaw, Douglas  
**Subject:** RE: Howco Environmental Services

Mike Wolfe has promised us the used oil processor closure cost estimate (third party quotes) by the end of this week (4/21/06) that will complete the used oil processing part of the permit renewal application. The untimely submittal of the used oil processor part of the application is still being decided by Doug Outlaw and his group. It appears there were some early conversations between Tally and HOWCO that the SWD was not privy to so I don't know the actual submittal (or intent to submit) date at this time.

Al

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

**From:** Pelz, Susan  
**Sent:** Wednesday, April 19, 2006 7:02 AM  
**To:** McGuire, Chris  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** FW: Howco Environmental Services

Chris,

Bill & I would like to discuss this latest with you..... How & who should respond. We want to separate the non-compliance issues (untimely submittal question) from the permitting issues (info they will be sending us). The current 90-day waiver expires 6/30/06.

When are you available to discuss with us? Are you also representing the used oil permitting (TAL RCRA staff) side of this, or do they have another attorney?

Susan

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

**From:** MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]  
**Sent:** Tuesday, April 18, 2006 4:47 PM  
**To:** Kutash, William  
**Cc:** al.gephart@dep.state.fl.us; McGuire, Chris;  
doug.outlaw@dep.state.fl.us; jim.dregne@dep.state.fl.us;  
rick.neves@dep.state.fl.us; steven.morgan@dep.state.fl.us; Putcha,  
Subra; Pelz, Susan; RALPH A DEMEO; MikeWolfe@howcousa.com  
**Subject:** Howco Environmental Services

Bill - Please see the attached letter.

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

Notice: The information contained in this e-mail message is Attorney/Client Privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended

recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (850) 425-3462 and delete the original message. Thank you.



## Gephart, Albert

---

**From:** Pelz, Susan  
**Sent:** Wednesday, April 19, 2006 7:02 AM  
**To:** McGuire, Chris  
**Cc:** Morgan, Steve; Kutash, William; Gephart, Albert; Dregne, James  
**Subject:** FW: Howco Environmental Services



KutashLTR.PDF

Chris,

Bill & I would like to discuss this latest with you..... How & who should respond. We want to separate the non-compliance issues (untimely submittal question) from the permitting issues (info they will be sending us). The current 90-day waiver expires 6/30/06.

When are you available to discuss with us? Are you also representing the used oil permitting (TAL RCRA staff) side of this, or do they have another attorney?

Susan

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

**From:** MIKE P PETROVICH [mailto:MIKEP@hgslaw.com]  
**Sent:** Tuesday, April 18, 2006 4:47 PM  
**To:** Kutash, William  
**Cc:** al.gephart@dep.state.fl.us; McGuire, Chris;  
doug.outlaw@dep.state.fl.us; jim.dregne@dep.state.fl.us;  
rick.neves@dep.state.fl.us; steven.morgan@dep.state.fl.us; Putcha,  
Subra; Pelz, Susan; RALPH A DEMEO; MikeWolfe@howcousa.com  
**Subject:** Howco Environmental Services

Bill - Please see the attached letter.

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

Notice: The information contained in this e-mail message is Attorney/Client Privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (850) 425-3462 and delete the original message. Thank you.

# Hopping Green & Sams

Attorneys and Counselors

April 18, 2006

## **By Electronic Mail**

William Kutash  
Waste Program Administrator  
Southwest District  
Florida Department of Environmental Protection  
13051 North Telecom Parkway  
Temper Paris, Florida 33637-0926

Re: Howco Environmental Services Solid Waste Processing Facility  
Pending Permit No.: 92465-003-SO, Pinellas County

I am submitting this letter on behalf of my client, Howco Environmental Services (Howco), to respond to the Department's April 7, 2006 letter. As requested in that letter, Howco is providing this notice requesting that the Department continue to process the above-referenced solid waste permit application. In that regard, Howco intends to submit the information requested in the Department's September 20, 2005 letter to the extent such Department requests are relevant to the operations and specific activities at Howco's St. Petersburg facility. Howco respectfully requests that it be provided 45 days from April 7, 2006 to and including May 22, 2006 within which to provide the Department requested information. Finally, as was the case for the 2000 Department permit issued for this facility, Howco believes that its operations should be addressed in a single permit, primarily as a used oil processing facility with ancillary solid waste processing-related permit conditions that are relevant to and appropriate for the facility.

Please note that Howco does not believe that its "renewal" permit application for the used oil and solid waste processing-related operations at the facility was untimely as alleged in the Department's April 7, 2006 letter. On that point, Howco representatives wish to discuss the timeliness and other issues related to the permit application for this facility at a mutually convenient date and time after Howco's response to Department requested information has been submitted. To the extent that Department representatives believe a meeting prior to that time would be beneficial, Howco representatives would make themselves available for an earlier meeting.

Mr. Kutash  
April 17, 2006  
Page 2 of 2

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

Sincerely,  
Hopping Green & Sams, P.A.



Michael P. Petrovich

Attorneys for  
Howco Environmental Services

MPP/rlh

cc: Chris McGuire, Esq. FDEP  
Doug Outlaw, FDEP  
Rick Neves, FDEP  
Susan Pelz, FDEP  
Jim Dregne, FDEP  
Al Gephart, FDEP  
Subra Putcha, FDEP  
Steven Morgan, FDEP  
Mike Wolfe, HOWCO

Hopping Green & Sams

Attorneys and Counselors

**Gephart, Albert**

---

**From:** Putcha, Subra  
**Sent:** Friday, April 14, 2006 10:18 AM  
**To:** McGuire, Chris; Posner, Augusta  
**Cc:** Gephart, Albert; Dregne, James  
**Subject:** FW: Request for Information

Chris

Is it OK if I send the requested documents on a CD. Let us talk about this before I take any action.

Thanks  
Subra Putcha

---

**From:** Mike Wolfe [mailto:mikewolfe@howcousa.com]  
**Sent:** Friday, April 14, 2006 8:35 AM  
**To:** Putcha, Subra  
**Subject:** FW: Request for Information

---

**From:** mikewolfe [mailto:mikewolfe@tampabay.rr.com]  
**Sent:** Friday, April 14, 2006 8:33 AM  
**To:** 'Subra '; 'douglas.outlaw@dep.state.fl.us'; 'Neves, Richard'  
**Cc:** 'Tim Hagan'; 'MIKE P PETROVICH'; 'RALPH A DEMEO'; 'johnmjonespe@bellsouth.net'  
**Subject:** Request for Information

You are obviously aware of the disagreement we are having with the Tampa District over the approach to our Used Oil Permit. I am requesting any information you might have for the permitting of any other Used Oil Processing Facility in the State of Florida that has completed a 62-701 application as part of their Used Oil Permit. If you would please forward me the names of the facilities I would be happy to request a copy of the permits to see how they have been completed. Please let me know as soon as possible since we have a timeline to meet. Thanks in advance for your cooperation in this matter.

4/14/2006

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Thursday, April 13, 2006 1:39 PM  
**To:** Dregne, James  
**Cc:** Putcha, Subra; Kothur, Bheem  
**Subject:** HOWCO CLOSURE COST ESTIMATE / FINANCIAL ASSURANCE

It is my understanding that HOWCO does not have to demonstrate financial assurance until Tallahassee approves the closure cost estimate. To date, I have not seen a revised closure cost estimate from HOWCO based on third party cleanup costs. Once the closure cost estimate is approved, HOWCO will then have to demonstrate financial assurance. I think Bheem Kothur handles this.

Today, I spoke with Mike Wolfe of HOWCO, and he said they are still working on the third party cost estimate. He expects to have it to us around April 24, 2006.

Al

*AFG*

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

4/13/2006

## Gephart, Albert

---

**To:** Putcha, Subra; Dregne, James; Kothur, Bheem

**Subject:** RE: NOD\_Response\_Comments

### General

- a. Based on the title of the drawing you can determine what the number is. I wrote the number on the drawing by hand.
- c. Revision numbers are not consistent throughout. Revision dates would help more than revision numbers.

### Specific Conditions

2.b I only have copies of the calculations. It appears that the seal may have been on the originals, you can see a trace of a seal on the copy. However, they did send a Part II PE Certification that is sealed and item 1 on that form is certifying containment capacity.

3.b If HOWCO will not re-submit an analysis plan with the sampling protocol we have asked for then we will write it into the Specific Conditions as we did on the previous permit.

4.a They should send a revised page 10 to include the Table and Page Number. It is in the old application they just need to attach the Table and fill in the blanks.

5.a They just need to add to the second sentence in Product Collection that, "the non-hazardous manifest includes the acceptance criteria listed in 40 CFR 279.561." and leave out the text description. Then for Outgoing Shipments they could revise to state, "The document will contain the delivery criteria in 40 CFR 279.561." and leave off the rest of the text.

6. I only had two items in Attachment 6

6.f - they revised satisfactorily

6.g - they revised satisfactorily except Appendix B does not have a label so they could revise to include a label.

6.i was revised (reference to Appendix B was taken out). There is no reference to a list of emergency equipment. We agreed at the meeting we didn't need a list.

7.a - at the meeting here in Tampa we agreed to drop this.

8.d My notes from the meeting in Tampa was that this was not a permit issue.

9.a My notes from the meeting in Tampa was that we would accept the training section..

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

**From:** Putcha, Subra

**Sent:** Thursday, March 16, 2006 10:59 AM

**To:** Gephart, Albert; Dregne, James; Kothur, Bheem

**Subject:** NOD\_Response\_Comments

Here are my commetns, please review and provide your response and let me know you want me to go ahead and send another NOD.

Thanks  
Subra

3/16/2006

Al

Here are my comments. I am giving my comments in the order we wrote in the NOD.

**GENERAL**

- a. Some of the Drawings are cut off at the bottom and not showing the number and name (type of drawing). We need a legible copy. Otherwise we do not know what drawing we are looking at.
- b. OK
- c. OK in the main application. Subsequent response to our NOD on 1/31/06 some of the revision numbers still show 1. They need to take the latest submission (Revision 2) to modify not the older version.

**Specific Conditions:**

- 1. OK
- 2.
  - a. OK
  - b. NOD response has revision number 1, need to be changed to revision 2. They need to use latest version of the document to make changes not the older version.  
Also, the calculations need to be certified, do you have a certified copy or otherwise they have to submit a professional engineer certified copy.
- 3.
  - a. OK
  - b. For Analysis Plan we are going to write our condition in the permit, am I right?
  - c. OK
  - d. OK
- 4.
  - a. NOD response shows old revision number. Also, the blank left on page 10 is not filled.
- 5.
  - a. NOD request was not fulfilled.
- 6.
  - a. NOD request was not fulfilled.
  - b. NOD request was not fulfilled.
  - c. OK
  - d. OK
  - e. OK
  - f. NOD request was not fulfilled.
  - g. Reference to Appendix B need to be eliminated and mention that the list of local authorities is outlined at the end of the attachment or make the list a separate appendix B.
  - h. OK

- i. NOD request not taken care. I still see Appendix B for list of emergency equipment.
  - j. OK
- 7.
  - a. NOD request not fulfilled.
  - b. OK
- 8.
  - a. OK
  - b. OK
  - c. OK
  - d. Submitted but need to be reviewed. They are not certified separately. They are not a third party estimate.
  - e. Need to be reviewed.
- 9.
  - a. NOD request not fulfilled.



## HOWCO Permit Renewal Application

### SWD Hazardous Waste Section Remaining Issues

#### ATTACHMENT #3, ANALYSIS PLAN

Page 8, 4<sup>th</sup> paragraph. Please revise the analysis to reflect the sampling plan agreed to by FDEP and the facility. One batch (tank) of processed used oil is to be tested EVERY TWO WEEKS using the following procedure that randomly selects a sample from one of the ten (10) tanks and tested to determine if it meets the on-spec criteria in 40 CFR 279.11 (Table 1).

One processed used oil sample shall be taken once every two weeks. The sample shall be obtained from one of the ten tanks used to store processed used oil. The dates that the samples will be taken 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.

#### ATTACHMENT #4, SOLID WASTE HANDLING

Page 10, The application has "*Table \_\_\_\_\_ Page \_\_\_\_\_*". please enter the Table number and Page number and supply the appropriate Table for insertion into the application.

# FAX

**Date** 4/13/06

*Number of pages including cover sheet* 8

**TO:** SUBRA PUTCHA  
  
WASTE MANAGEMENT  
TALLAHASSEE

**Phone** 850-245-8776

**Fax #** 850-245-8810

**CC:**

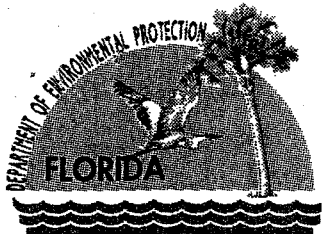
**FROM:** AL GEPHART  
  
FLORIDA DEPARTMENT  
OF ENVIRONMENTAL  
PROTECTION  
  
13051 NORTH TELECOM  
PARKWAY  
  
TEMPLE TERRACE, FL  
33637-0926

**Phone** (813) 632-7600, EXT. 372

**Fax Phone** (813) 632-7664

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

ATTACHED IS THE LETTER FROM SWD SOLID WASTE SECTION TO HOWCO APRIL 7, 2006.



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

CERTIFIED MAIL 7004 0750 0003 0516 2062  
RETURN RECEIPT REQUESTED

April 7, 2006

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

Re: HOWCO Environmental Services Solid Waste Processing Facility  
Pending Permit No.: 92465-003-SO, Pinellas County

Dear Mr. Hagan:

This letter has been prepared to summarize the status of your permit application for solid waste processing at the facility located at 843 43<sup>rd</sup> Street South, St. Petersburg, Fl. 33711.

On August 22, 2005 you submitted a check (#74218) in the amount of \$1000 with no supporting documentation to the Department. This check was returned to you with a cover letter dated August 23, 2005 requesting that you resubmit the fee with all documentation required to support your permit application to the Solid Waste Section. On August 29, 2005, the Department's Solid Waste Section received a check for \$1000 (check #74218), portions of an "Application Form for a Used Oil Processing Facility Permit," and portions of the supporting documentation submitted for the used oil processing facility permit. Since this information was provided to the Solid Waste Section in response to the Department's August 23, 2005 letter requesting information regarding the solid waste permit activities at the facility, the Solid Waste Section processed the submitted information as a solid waste permit application and requested additional information (RAI) on September 20, 2005 needed to make the application sufficient for evaluation. To date, the Solid Waste Section has not received a response to that request for information.

On January 4, 2006, the Department received email correspondence in which HOWCO asserts that a separate solid waste permit is not required for the solid waste management activities at the facility. Pursuant to Rule 62-701.320(14), F.A.C., the used oil processing facility is not required to have a separate solid waste permit for the used oil processing activities at the facility. However, since the facility is also managing and processing solid waste in addition to used oil, it is the Department's position that a separate solid waste permit is required for the solid waste management and processing operations. The information requested in the Department's September 20, 2005 RAI (attached for your reference) is required to be provided in order for the Department to evaluate the solid waste permit application submittal. Although two permits (with the associated fees and required supporting documentation) are required for the operations at the HOWCO St. Petersburg facility, the permits may be issued concurrently.

"More Protection, Less Process"

Printed on recycled paper.

417

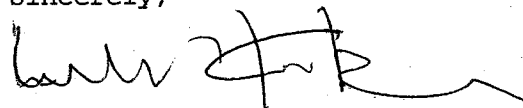
**Within 10 days of receipt** of this letter, please notify us whether or not you wish the Department to continue to process the solid waste permit application. If HOWCO acknowledges that a solid waste permit is required, the information requested in the Department's September 20, 2005 is required to be submitted **within 30 days of receipt of this letter**. If HOWCO does not agree that a solid waste permit is required, you should provide clear notice that you are withdrawing the pending solid waste permit application. This notification should be provided **within 10 days of receipt of this letter**.

Based on the information provided to date to address the solid waste management activities at the site, the Solid Waste Section has determined that the requirements of Chapter 62-701, F.A.C., have not been met by the applicant, and will therefore be required to deny the application unless an adequate response to the Department's September 20, 2005 letter is received. If a complete and sufficient response to the Department's September 20, 2005 request for information is not received within **30 days of the date of receipt of this letter**, or if the application is not withdrawn, the Department will take final action on the solid waste permit application, which is likely to result in denial of the application.

Since existing permit number 92465-HO06-001 expired on August 3, 2005, and the "renewal" application for the solid waste operations at the site was not timely as required by Rules 62-701.320(10)(a) and 62-4.090(1), F.A.C, the Department authorization for the solid waste processing and management operations ceased on August 4, 2005. Based on site inspections on November 7, 2005 and February 16, 2006, HOWCO is continuing to manage solid waste at the site. This continued operation is a violation of Rules 62-701.300(1)(a), 62-701.320(1), and 62-4.030, F.A.C.

If you have any questions, please contact me at (813) 632-7600 ext. 353 or Ms. Susan Pelz, P.E. (Solid Waste Program Manager) at (813) 632-7600 ext. 386.

Sincerely,

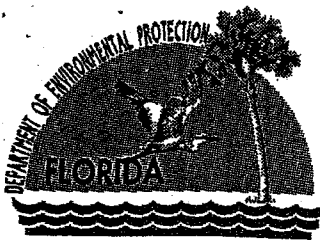


William Kutash  
Waste Program Administrator  
Southwest District

WK/sjp

Attachment

Cc: Michael P. Petrovich, Hopping Green & Sams, PO Box 6526, Tallahassee, Fl. 32314  
Kelsi Oswald, Pinellas County SW, 3095 114<sup>th</sup> Ave. N. St. Petersburg, Fl. 33716,  
w/attachment  
Fred Wick, FDEP Tallahassee  
Richard Tedder, P.E., FDEP TAL SW  
Chris McGuire, FDEP OGC  
Pat Comer, FDEP OGC  
Douglas Outlaw, P.E., FDEP TAL HW  
Jim Dregne, FDEP Tampa - HW  
Al Gephart, FDEP Tampa - HW  
John Griffith, FDEP Tallahassee - ERP  
Susan Pelz, P.E., FDEP Tampa



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Colleen M. Castille  
Secretary

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

September 20, 2005

Re: HOWCO Environmental Services Solid Waste Processing Facility  
Pending Permit No.: 92465-003-SO, Pinellas County

Dear Mr. Hagan:

This is to acknowledge receipt of the permit renewal application received August 29, 2005, to construct and operate a waste processing facility.

This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) 403, Florida Statutes.

Your application for a permit is incomplete. This is the Department's 1st request for additional information. Please provide the information listed below promptly. Evaluation of your proposed project will be delayed until all requested information has been received.

**GENERAL:**

1. The requested information and comments below do not repeat the information submitted by the applicant. However, every effort has been made to concisely refer to the section, page, drawing detail number, etc. where the information has been presented in the original submittal.
2. Please submit 4 copies of all requested information. Please specify if revised information is intended to supplement, or replace, previously submitted information. Please submit all revised plans and reports as a complete package. For revisions to the narrative reports, deletions may be struckthrough (~~struckthrough~~) and additions may be shaded ~~shaded~~ or similar notation method. This format will expedite the review process. Please include revision date on all revised pages.
3. Please provide a summary of all revisions to drawings, and indicate the revision on each of the applicable plan sheets. Please use a consistent numbering system for drawings. If new sheets must be added to the original plan set, please use the same numbering system with a prefix or suffix to indicate the sheet was an addition, e.g. Sheet 1A, 1B, P1-A, etc.
4. Please be advised that although some comments do not explicitly request additional information, the intent of all comments shall be to request revised calculations, narrative, technical specifications, QA documentation, plan sheets, clarification to the item, and/or other information as appropriate. Please be reminded that all calculations must be signed and sealed by the registered professional engineer (or geologist as appropriate) who prepared them.

"More Protection, Less Process"

Printed on recycled paper.

The following information is needed in support of the solid waste application [Chapter 62-701, Florida Administrative Code (F.A.C.)]. Please provide:

1. **Rule 62-701.710(2), F.A.C.** The correct application form for a waste processing facility permit is DEP Form #62-701.900(4). Please address the following comments regarding the permit application form and provide a revised application form with the following information, where applicable on DEP Form #62-701.900(4):
  - a. **Part A.5. - DEP ID Number:** It is noted that the DEP ID number for the facility is SWD-60-86933. Please revise this item of the application form to reflect this ID number.
  - b. **Part A.7. - Location Coordinates:** A review the Department's GIS data indicates that the latitude and longitude coordinates identified on the submitted application form appear to represent a location approximately 570 feet north of the center of the facility. Please submit a revised application form for this item that indicates the latitude and longitude coordinates for the approximate center of the waste processing facility.
2. **Rule 62-701.710(2), F.A.C. DEP Form #62-701.900(4) Part B. - Additional Information:** Please provide the required supporting information for this permit application specified by each of the items listed in this section of the application form and required by the referenced Department rule. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.
3. **Rule 62-701.300, F.A.C.** Please address and confirm that each of the F.A.C. Rule 62-701.300 prohibitions will not be violated by the proposed operation of the waste processing facility. Alternatively, previously provided reports which are still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) for each item listed.
4. **Rule 62-701.320(7), F.A.C.** Please provide a revised permit application and supporting information that is prepared under the direction of and signed and sealed by a professional engineer registered in the State of Florida.
5. **Rule 62-701.320(7), F.A.C.** Please provide a revised permit application that complies with the content and format specified by Rule 62-701.320(7), F.A.C.
6. **Rule 62-701.320(7)(i), F.A.C.** Please provide a history and description of all enforcement actions described in Rule 62-701.320(3), F.A.C., involving the applicant and/or the officers/agents of the corporation during the last five years, related to this and any other solid waste management facilities in the State of Florida.
7. **Rule 62-701.320(8), F.A.C.** Please publish the attached Notice of Application and provide proof of publication to the Department.
8. **Rule 62-701.710(2)(a), F.A.C.** The information provided with this application failed to adequately describe and project future types and quantities of solid waste to be collected, stored, processed, or disposed, as related to the solid waste management facility, and failed to provide the supporting assumptions used to make these projections. Please provide this information.

9. **Rule 62-701.710(2)(b), F.A.C.** The site plan provided with this application failed to show the site conditions and details specified by Rule 62-701.710(2)(b), F.A.C. Please provide this information.
10. **Rule 62-701.710(2)(c), F.A.C.** The information provided with this application failed to identify and describe the operation, functions, design criteria and expected performance of the processing equipment associated with the solid waste processing facility as specified by Rule 62-701.710(2)(c), F.A.C. Please provide this information.
11. **Rule 62-701.710(2)(d), F.A.C.** The information provided with this application failed to describe the loading, unloading, storage, and processing areas associated with the solid waste processing facility as specified by Rule 62-701.710(2)(d), F.A.C. Please provide this information.
12. **Rule 62-701.710(2)(e), F.A.C.** The information provided with this application failed to identify and provide the capacity of the on-site storage areas associated with the solid waste processing facility as specified by Rule 62-701.710(2)(e), F.A.C. Please provide this information.
13. **Rule 62-701.710(2)(f), F.A.C.** The information provided with this application failed to provide a plan for disposal and waste handling capabilities in the event of operation interruption associated with the solid waste processing facility as specified by Rule 62-701.710(2)(f), F.A.C. Please provide this information.
14. **Rule 62-701.710(2)(g), F.A.C.** Please provide a boundary survey, legal description, and topographic survey of the property. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.
15. **Rule 62-701.710(2)(h), F.A.C.** The information provided in Attachment 1 of this application failed to provide an operation plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(4), F.A.C. Please provide this information.
16. **Rule 62-701.710(2)(i), F.A.C.** The information provided in Attachment 8 of this application failed to provide a closure plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(6), F.A.C. Please provide this information.
17. **Rule 62-701.710(2)(i), F.A.C.** The information provided in Attachment 8 of this application failed to specifically identify the closure activities associated with the solid waste processing facility, failed to provide the documentation, calculations, and assumptions utilized in support of the quantities provided, and failed to provide current third-party estimates in support of the loading, hauling, disposal, and site cleanup costs, associated with closure of the solid waste processing facility. Please provide this information.
18. **Rule 62-701.710(3), F.A.C.** The information provided with this application failed to provide a demonstration that the solid waste processing facility conforms to the design requirements for a waste processing facility as specified by Rule 62-701.710(3), F.A.C. Please provide this information.
19. **Rule 62-701.710(7)(a), F.A.C.** The information provided with this application failed to provide documentation of compliance with the financial assurance requirements of Rule 62-701.710(7)(a), F.A.C. Please provide this information.

20. Rule 62-701.710(8)), F.A.C. The information provided with this application failed to document that stormwater control associated with the solid waste processing facility has been addressed as specified by Rule 62-701.710(8), F.A.C. Please provide this information. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.

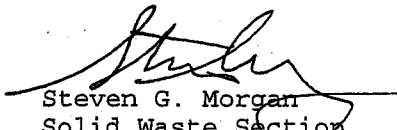
21. Rule 62-701.710(9), F.A.C. The information provided with this application failed to identify and describe the recordkeeping criteria and procedures associated with the solid waste processing facility. Please provide this information.

Please provide all responses that relate to engineering for design and operation, including plan sheets, signed and sealed by a professional engineer. Responses that relate to the facility operations should be included as part of the Operation Plan. All replacement pages should be numbered, and with revision date.

"NOTICE! Pursuant to the provisions of Section 120.60, F.S., if the Department does not receive a response to this request for information within 90 days of the date of this letter, the Department may issue a final order denying your application. You need to respond within 30 days after you receive this letter, responding to as many of the information requests as possible and indicating when a response to any unanswered questions will be submitted. If the response will require longer than 30 days to develop, you should develop a specific timetable for the submission of the requested information for Department review and consideration. Failure to comply with a timetable accepted by the Department will be grounds for the Department to issue a Final Order of Denial for lack of timely response. A denial for lack of information or response will be unbiased as to the merits of the application. The applicant can reapply as soon as the requested information is available."

You are requested to submit 4 copies of your response to this letter as one complete package with an original and three copies of all correspondence (with one copy sent to Ms. Susan Pelz). If there are points that must be discussed and resolved, please contact me at (813) 744-6100 ext. 385.

Sincerely,

  
Steven G. Morgan  
Solid Waste Section  
Southwest District

SM/sgm

Attachments

Cc: Kelsi Oswald, Pinellas County SW, 3095 114<sup>th</sup> Ave. N. St. Petersburg, Fl. 33716  
Fred Wick, FDEP Tallahassee  
Al Gephart, FDEP Tampa - HW  
John Griffith, FDEP Tallahassee - ERP  
Susan Pelz, P.E., FDEP Tampa



62-110.106(5). Notices: General Requirements.

Each person who files an application for a Department permit or other notice as may publish or be required to publish a notice of application or other notice as set forth below in this section. Except as specifically provided otherwise in this paragraph, each person publishing such a notice under this section shall do so at his own expense in the legal advertisements section a newspaper of general circulation (i.e., one that meets the requirements of sections 50.011 and 50.031 of the Florida Statutes) in the county or counties in which the activity will take place or the effects of the Department's proposed action will occur, and shall provide proof of the publication to the Department within seven days of the publication.

62-110.106(6). If required, the notice shall be published by the applicant one time only within fourteen days after a complete application is filed and shall contain the name of the applicant, a brief description of the project and its location, the location of the application file, and the times when it is available for public inspection. The notice shall be prepared by the Department and shall comply with the following format:

**State of Florida  
Department of Environmental Protection  
Notice of Application**

The Department announces receipt of an application for permit from Hagan Holding Company for a permit renewal to construct and operate a Solid Waste Processing Facility, subject to Department rules, at the HOWCO Environmental Services Solid Waste Processing Facility located at 843 43rd Street South, St. Petersburg, in Pinellas County, Florida.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-1352.

**Gephart, Albert**

---

**From:** Outlaw, Douglas  
**Sent:** Tuesday, April 11, 2006 10:11 AM  
**To:** Bahr, Tim; Kothur, Bheem; Putcha, Subra  
**Cc:** Posner, Augusta; McGuire, Chris; Dregne, James; Gephart, Albert  
**Subject:** FW: HOWCO permit

I left John Jones a voice mail. I asked that he provide us with any correspondence he had on a timely submittal and stated that I understood Mike Petrovich would be representing Howco. If John calls, I would not expect to go beyond those two points.

---

**From:** Jones, John [mailto:John.M.Jones@associates.dhs.gov]  
**Sent:** Monday, April 10, 2006 4:16 PM  
**To:** Outlaw, Douglas  
**Cc:** mikewolfe@howcousa.com  
**Subject:** HOWCO permit

Hi, Doug. How are you doing these days? I am working in New Orleans for a while, hence the different e-mail address. I got a phone call from Howco, indicating that the Tampa District is saying that a timely permit application for St. Pete wasn't filed. Is your recollection the same as mine: that we were waiting on the Astor permit to be issued so that we could fashion St. Pete after Astor? I think we had some correspondence on that. At any rate, we also contemplated just one permit (instead of a separate Solid Waste application) at the time, I think. Not trying to put anyone on the spot, but I don't think it is correct to say that Howco did not file a timely application and therefore is operating without a permit. Any thoughts? I will try to call you tomorrow also.

4/11/2006



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

CERTIFIED MAIL 7004 0750 0003 0516 2062  
RETURN RECEIPT REQUESTED

April 7, 2006

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

Re: HOWCO Environmental Services Solid Waste Processing Facility  
Pending Permit No.: 92465-003-SO, Pinellas County

Dear Mr. Hagan:

This letter has been prepared to summarize the status of your permit application for solid waste processing at the facility located at 843 43<sup>rd</sup> Street South, St. Petersburg, Fl. 33711.

On August 22, 2005 you submitted a check (#74218) in the amount of \$1000 with no supporting documentation to the Department. This check was returned to you with a cover letter dated August 23, 2005 requesting that you resubmit the fee with all documentation required to support your permit application to the Solid Waste Section. On August 29, 2005, the Department's Solid Waste Section received a check for \$1000 (check #74218), portions of an "Application Form for a Used Oil Processing Facility Permit," and portions of the supporting documentation submitted for the used oil processing facility permit. Since this information was provided to the Solid Waste Section in response to the Department's August 23, 2005 letter requesting information regarding the solid waste permit activities at the facility, the Solid Waste Section processed the submitted information as a solid waste permit application and requested additional information (RAI) on September 20, 2005 needed to make the application sufficient for evaluation. To date, the Solid Waste Section has not received a response to that request for information.

On January 4, 2006, the Department received email correspondence in which HOWCO asserts that a separate solid waste permit is not required for the solid waste management activities at the facility. Pursuant to Rule 62-701.320(14), F.A.C., the used oil processing facility is not required to have a separate solid waste permit for the used oil processing activities at the facility. However, since the facility is also managing and processing solid waste in addition to used oil, it is the Department's position that a separate solid waste permit is required for the solid waste management and processing operations. The information requested in the Department's September 20, 2005 RAI (attached for your reference) is required to be provided in order for the Department to evaluate the solid waste permit application submittal. Although two permits (with the associated fees and required supporting documentation) are required for the operations at the HOWCO St. Petersburg facility, the permits may be issued concurrently.

"More Protection, Less Process"

Printed on recycled paper.

20  
4/7

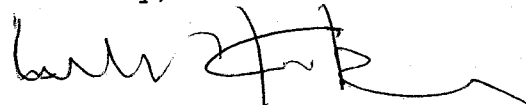
**Within 10 days of receipt** of this letter, please notify us whether or not you wish the Department to continue to process the solid waste permit application. If HOWCO acknowledges that a solid waste permit is required, the information requested in the Department's September 20, 2005 is required to be submitted **within 30 days of receipt of this letter**. If HOWCO does not agree that a solid waste permit is required, you should provide clear notice that you are withdrawing the pending solid waste permit application. This notification should be provided **within 10 days of receipt of this letter**.

Based on the information provided to date to address the solid waste management activities at the site, the Solid Waste Section has determined that the requirements of Chapter 62-701, F.A.C., have not been met by the applicant, and will therefore be required to deny the application unless an adequate response to the Department's September 20, 2005 letter is received. If a complete and sufficient response to the Department's September 20, 2005 request for information is not received within **30 days of the date of receipt of this letter**, or if the application is not withdrawn, the Department will take final action on the solid waste permit application, which is likely to result in denial of the application.

Since existing permit number 92465-HO06-001 expired on August 3, 2005, and the "renewal" application for the solid waste operations at the site was not timely as required by Rules 62-701.320(10)(a) and 62-4.090(1), F.A.C, the Department authorization for the solid waste processing and management operations ceased on August 4, 2005. Based on site inspections on November 7, 2005 and February 16, 2006, HOWCO is continuing to manage solid waste at the site. This continued operation is a violation of Rules 62-701.300(1)(a), 62-701.320(1), and 62-4.030, F.A.C.

If you have any questions, please contact me at (813) 632-7600 ext. 353 or Ms. Susan Pelz, P.E. (Solid Waste Program Manager) at (813) 632-7600 ext. 386.

Sincerely,

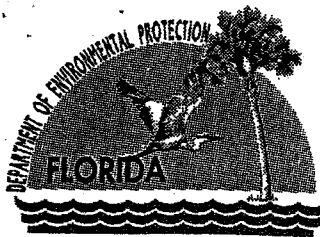


William Kutash  
Waste Program Administrator  
Southwest District

WK/sjp

Attachment

Cc: Michael P. Petrovich, Hopping Green & Sams, PO Box 6526, Tallahassee, Fl. 32314  
Kelsi Oswald, Pinellas County SW, 3095 114<sup>th</sup> Ave. N. St. Petersburg, Fl. 33716,  
w/attachment  
Fred Wick, FDEP Tallahassee  
Richard Tedder, P.E., FDEP TAL SW  
Chris McGuire, FDEP OGC  
Pat Comer, FDEP OGC  
Douglas Outlaw, P.E., FDEP TAL HW  
~~Jim Drogan~~, FDEP Tampa - HW  
Al Gephart, FDEP Tampa - HW  
John Griffith, FDEP Tallahassee - ERP  
Susan Pelz, P.E., FDEP Tampa



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Colleen M. Castillo  
Secretary

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

September 20, 2005

Re: **HOWCO Environmental Services Solid Waste Processing Facility**  
**Pending Permit No.: 92465-003-SO, Pinellas County**

Dear Mr. Hagan:

This is to acknowledge receipt of the permit renewal application received August 29, 2005, to construct and operate a waste processing facility.

This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) 403, Florida Statutes.

Your application for a permit is incomplete. This is the Department's 1st request for additional information. Please provide the information listed below promptly. Evaluation of your proposed project will be delayed until all requested information has been received.

**GENERAL:**

1. The requested information and comments below do not repeat the information submitted by the applicant. However, every effort has been made to concisely refer to the section, page, drawing detail number, etc. where the information has been presented in the original submittal.
2. Please submit **4 copies** of all requested information. Please specify if revised information is intended to supplement, or replace, previously submitted information. Please submit all revised plans and reports as a **complete package**. For revisions to the narrative reports, deletions may be struckthrough (~~struckthrough~~) and additions may be shaded XXXXXX or similar notation method. This format will expedite the review process. **Please include revision date on all revised pages.**
3. Please provide a summary of all revisions to drawings, and indicate the revision on each of the applicable plan sheets. Please use a consistent numbering system for drawings. If new sheets must be added to the original plan set, please use the same numbering system with a prefix or suffix to indicate the sheet was an addition, e.g. Sheet 1A, 1B, P1-A, etc.
4. Please be advised that although some comments do not explicitly request additional information, the intent of all comments shall be to request revised calculations, narrative, technical specifications, QA documentation, plan sheets, clarification to the item, and/or other information as appropriate. **Please be reminded that all calculations must be signed and sealed by the registered professional engineer (or geologist as appropriate) who prepared them.**

"More Protection, Less Process"

Printed on recycled paper.

The following information is needed in support of the solid waste application [Chapter 62-701, Florida Administrative Code (F.A.C.)]. Please provide:

1. **Rule 62-701.710(2), F.A.C.** The correct application form for a waste processing facility permit is DEP Form #62-701.900(4). Please address the following comments regarding the permit application form and provide a revised application form with the following information, where applicable on DEP Form #62-701.900(4):
  - a. **Part A.5. - DEP ID Number:** It is noted that the DEP ID number for the facility is SWD-60-86933. Please revise this item of the application form to reflect this ID number.
  - b. **Part A.7. - Location Coordinates:** A review the Department's GIS data indicates that the latitude and longitude coordinates identified on the submitted application form appear to represent a location approximately 570 feet north of the center of the facility. Please submit a revised application form for this item that indicates the latitude and longitude coordinates for the approximate center of the waste processing facility.
2. **Rule 62-701.710(2), F.A.C. DEP Form #62-701.900(4) Part B. - Additional Information:** Please provide the required supporting information for this permit application specified by each of the items listed in this section of the application form and required by the referenced Department rule. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.
3. **Rule 62-701.300, F.A.C.** Please address and confirm that each of the F.A.C. Rule 62-701.300 prohibitions will not be violated by the proposed operation of the waste processing facility. Alternatively, previously provided reports which are still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) for each item listed.
4. **Rule 62-701.320(7), F.A.C.** Please provide a revised permit application and supporting information that is prepared under the direction of and signed and sealed by a professional engineer registered in the State of Florida.
5. **Rule 62-701.320(7), F.A.C.** Please provide a revised permit application that complies with the content and format specified by Rule 62-701.320(7), F.A.C.
6. **Rule 62-701.320(7)(i), F.A.C.** Please provide a history and description of all enforcement actions described in Rule 62-701.320(3), F.A.C., involving the applicant and/or the officers/agents of the corporation during the last five years, related to this and any other solid waste management facilities in the State of Florida.
7. **Rule 62-701.320(8), F.A.C.** Please publish the attached Notice of Application and provide proof of publication to the Department.
8. **Rule 62-701.710(2)(a), F.A.C.** The information provided with this application failed to adequately describe and project future types and quantities of solid waste to be collected, stored, processed, or disposed, as related to the solid waste management facility, and failed to provide the supporting assumptions used to make these projections. Please provide this information.

9. **Rule 62-701.710(2)(b), F.A.C.** The site plan provided with this application failed to show the site conditions and details specified by Rule 62-701.710(2)(b), F.A.C. Please provide this information.
10. **Rule 62-701.710(2)(c), F.A.C.** The information provided with this application failed to identify and describe the operation, functions, design criteria and expected performance of the processing equipment associated with the solid waste processing facility as specified by Rule 62-701.710(2)(c), F.A.C. Please provide this information.
11. **Rule 62-701.710(2)(d), F.A.C.** The information provided with this application failed to describe the loading, unloading, storage, and processing areas associated with the solid waste processing facility as specified by Rule 62-701.710(2)(d), F.A.C. Please provide this information.
12. **Rule 62-701.710(2)(e), F.A.C.** The information provided with this application failed to identify and provide the capacity of the on-site storage areas associated with the solid waste processing facility as specified by Rule 62-701.710(2)(e), F.A.C. Please provide this information.
13. **Rule 62-701.710(2)(f), F.A.C.** The information provided with this application failed to provide a plan for disposal and waste handling capabilities in the event of operation interruption associated with the solid waste processing facility as specified by Rule 62-701.710(2)(f), F.A.C. Please provide this information.
14. **Rule 62-701.710(2)(g), F.A.C.** Please provide a boundary survey, legal description, and topographic survey of the property. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.
15. **Rule 62-701.710(2)(h), F.A.C.** The information provided in Attachment 1 of this application failed to provide an operation plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(4), F.A.C. Please provide this information.
16. **Rule 62-701.710(2)(i), F.A.C.** The information provided in Attachment 8 of this application failed to provide a closure plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(6), F.A.C. Please provide this information.
17. **Rule 62-701.710(2)(i), F.A.C.** The information provided in Attachment 8 of this application failed to specifically identify the closure activities associated with the solid waste processing facility, failed to provide the documentation, calculations, and assumptions utilized in support of the quantities provided, and failed to provide current third-party estimates in support of the loading, hauling, disposal, and site cleanup costs, associated with closure of the solid waste processing facility. Please provide this information.
18. **Rule 62-701.710(3), F.A.C.** The information provided with this application failed to provide a demonstration that the solid waste processing facility conforms to the design requirements for a waste processing facility as specified by Rule 62-701.710(3), F.A.C. Please provide this information.
19. **Rule 62-701.710(7)(a), F.A.C.** The information provided with this application failed to provide documentation of compliance with the financial assurance requirements of Rule 62-701.710(7)(a), F.A.C. Please provide this information.

20. Rule 62-701.710(8)), F.A.C. The information provided with this application failed to document that stormwater control associated with the solid waste processing facility has been addressed as specified by Rule 62-701.710(8), F.A.C. Please provide this information. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.

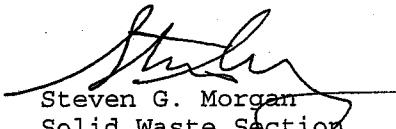
21. Rule 62-701.710(9), F.A.C. The information provided with this application failed to identify and describe the recordkeeping criteria and procedures associated with the solid waste processing facility. Please provide this information.

**Please provide all responses that relate to engineering for design and operation, including plan sheets, signed and sealed by a professional engineer. Responses that relate to the facility operations should be included as part of the Operation Plan. All replacement pages should be numbered, and with revision date.**

"NOTICE! Pursuant to the provisions of Section 120.60, F.S., if the Department does not receive a response to this request for information within 90 days of the date of this letter, the Department may issue a final order denying your application. You need to respond within 30 days after you receive this letter, responding to as many of the information requests as possible and indicating when a response to any unanswered questions will be submitted. If the response will require longer than 30 days to develop, you should develop a specific timetable for the submission of the requested information for Department review and consideration. Failure to comply with a timetable accepted by the Department will be grounds for the Department to issue a Final Order of Denial for lack of timely response. A denial for lack of information or response will be unbiased as to the merits of the application. The applicant can reapply as soon as the requested information is available."

You are requested to submit 4 copies of your response to this letter as one complete package with an original and three copies of all correspondence (with one copy sent to Ms. Susan Pelz). If there are points that must be discussed and resolved, please contact me at (813) 744-6100 ext. 385.

Sincerely,

  
Steven G. Morgan  
Solid Waste Section  
Southwest District

SM/sgm

Attachments

Cc: Kelsi Oswald, Pinellas County SW, 3095 114<sup>th</sup> Ave. N. St. Petersburg, Fl. 33716  
Fred Wick, FDEP Tallahassee  
Al Gephart, FDEP Tampa - HW  
John Griffith, FDEP Tallahassee - ERP  
Susan Pelz, P.E., FDEP Tampa



62-110.106(5). Notices: General Requirements.

Each person who files an application for a Department permit or other notice as may publish or be required to publish a notice of application or other notice as set forth below in this section. Except as specifically provided otherwise in this paragraph, each person publishing such a notice under this section shall do so at his own expense in the legal advertisements section a newspaper of general circulation (i.e., one that meets the requirements of sections 50.011 and 50.031 of the Florida Statutes) in the county or counties in which the activity will take place or the effects of the Department's proposed action will occur, and shall provide proof of the publication to the Department within seven days of the publication.

62-110.106(6). If required, the notice shall be published by the applicant one time only within fourteen days after a complete application is filed and shall contain the name of the applicant, a brief description of the project and its location, the location of the application file, and the times when it is available for public inspection. The notice shall be prepared by the Department and shall comply with the following format:

**State of Florida  
Department of Environmental Protection  
Notice of Application**

The Department announces receipt of an application for permit from Hagan Holding Company for a permit renewal to construct and operate a Solid Waste Processing Facility, subject to Department rules, at the HOWCO Environmental Services Solid Waste Processing Facility located at 843 43rd Street South, St. Petersburg, in Pinellas County, Florida.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-1352.

**Gephart, Albert**

---

**From:** Mike Wolfe [mikewolfe@howcousa.com]

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

**To:** Gephart, Albert

**Subject:** FW: pics

Al,

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

---

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

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

**To:** 'Mike Wolfe'

**Subject:** pics

PICTURES OF THE REPAIR OF  
SECONDARY CONTAINMENT FOR  
SLUDGE PRESS, FILTER CRUSHER, SOLID  
WASTE AND CONTAINER MANAGEMENT  
AREAS. ORIGINALLY SENT TO FDEP  
ON 4-5-06 BUT COULD NOT BE  
VIEWED. THESE PICTURES ARE IN  
OUR FILE (CEI FFY'06)

4/6/2006

## Gephart, Albert

---

**From:** MIKE P PETROVICH [MIKEP@hgslaw.com]  
**Sent:** Thursday, March 30, 2006 4:38 PM  
**To:** Gephart, Albert; Outlaw, Douglas; Dregne, James; Neves, Richard; Morgan, Steve  
**Subject:** Fwd: HOWCO Environmental Services, St. Petersburg



HOWCO  
Environmental Service

Please see the attached.

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

Notice: The information contained in this e-mail message is Attorney/Client Privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (850) 425-3462 and delete the original message. Thank you.

# Hopping Green & Sams

Attorneys and Counselors

March 30, 2006

**By Electronic Mail**

Susan Pelz, P.E.  
Environmental Manager, Solid Waste Section  
Florida Department of Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, FL 33637

Re: HOWCO Environmental Services EPA ID. FLD 152 764 767  
Permit Application No. 92465-HO06-002; 92465-003-SO

Dear Susan:

On behalf of my client HOWCO Environmental Services, enclosed please find a waiver of the 90 day time limit set forth in Sections 120.60(1) and 403.0876, Florida Statutes in regard to the above-referenced permit application. It is my understanding, based upon my telephone conversation with Department counsel Chris McGuire, that filing of this waiver will delay Department action on this permit application until such time that HOWCO representatives have had an opportunity to meet with appropriate Department staff to discuss outstanding issues in this matter and their potential resolution.

Please contact me should you have any questions. Thank you.

Sincerely,

Hopping Green & Sams, P.A.



Michael P. Petrovich

Attorneys for  
HOWCO Environmental Services

MPP/rlh  
Enclosure

Susan Pelz, P.E.

March 30, 2006

Page 2

cc: Chris McGuire, Esq. FDEP  
Doug Outlaw, FDEP  
Rick Neves, FDEP  
Bill Kutash, FDEP  
Jim Dregne, FDEP  
Al Gephart, FDEP  
Subra Putcha, FDEP  
Steven Morgan, FDEP  
Mike Wolfe, HOWCO

Hopping Green & Sams

Attorneys and Counselors

**Waiver Of 90-Day Time Limit**  
**Under Sections 120.60(1) and 403.0876, Florida Statutes**

Permit Application No.: 92465-HO06-002; 92465-003-SO

Applicant's Name: HOWCO Environmental Services, St. Petersburg

With regard to the above-referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Sections 120.60(1) and 403.0876, Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90 day time period prescribed by law. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the 30th day of June 2006.

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



Michael P. Petrovich  
Hopping Green & Sams, P.A.

Attorneys for  
HOWCO Environmental Services

**Gephart, Albert**

---

**From:** Neves, Richard  
**Sent:** Thursday, March 30, 2006 3:26 PM  
**To:** Posner, Augusta; Kothur, Bheem; Gephart, Albert; Putcha, Subra  
**Cc:** Outlaw, Douglas; Clarke, Raoul; McGuire, Chris  
**Subject:** RE: HOWCO

FYI:

I just got off the phone with HOWCO (Tim Hagan and Mike Wolf). The questions they started off with involved used oil recordkeeping requirements. As it seems that the Solid Waste (SW) permit and RCRA Used Oil (UO) permit issues have separated themselves into distinct and discrete issues, I felt comfortable answering their used oil management issues.

Gradually, the questions moved towards SW permit issues, as they are wont to do. I explained that it seemed the UO permit issue was moving along and seemed headed towards resolution but that this was not the case with the SW portion and that I am largely ignorant of the SW permit program and, as I am not qualified to answer such questions, they should contact Tampa District SW staff. As HOWCO continued to bring up particular arguments pertaining to solid waste, I suggested they make sure that their very competent legal counsel has access to all pertinent information so that they may be best represented to the SW staff.

Rick Neves  
Environmental Specialist  
Hazardous Waste Management Section (MS 4555)  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400  
**Phone:** (850) 245-8755  
**Fax:** (850) 245-8811  
Web Page: [http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

---

**From:** Posner, Augusta  
**Sent:** Friday, March 24, 2006 1:53 PM  
**To:** Kothur, Bheem; Gephart, Albert; Putcha, Subra  
**Cc:** Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris  
**Subject:** RE: HOWCO

According to the SWD both parts of Howco's combined UO and SW permit expired because they did not file a timely renewal application. If that is so there is no existing permit.

CONFIDENTIAL ATTORNEY WORK PRODUCT  
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.07(3)(I), F.S.

Agusta P. Posner  
State of Florida Department  
of Environmental Protection

3/31/2006

3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-2000  
ph (850) 245-2282  
FAX (850) 245-2302  
augusta.posner@dep.state.fl.us

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

**From:** Kothur, Bheem  
**Sent:** Friday, March 24, 2006 1:50 PM  
**To:** Posner, Augusta; Gephart, Albert; Putcha, Subra  
**Cc:** Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris  
**Subject:** RE: HOWCO

Hello Augusta: Thanks for your response and we will follow as you addressed to us.

Subra: Please provide to Al Gephart and August Posner questions to Answer ASAP.

Just remember everyone: The existing permit is only one permit and that is SW permit that too was issued by the district office SW section. FYI combined permits were issued only few facilities and on case by case basis and for smaller facilities?

That's all

Bheem.

---

**From:** Posner, Augusta  
**Sent:** Friday, March 24, 2006 1:35 PM  
**To:** Kothur, Bheem; Gephart, Albert; Putcha, Subra  
**Cc:** Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris  
**Subject:** RE: HOWCO

The Department has only one week to take action on the permit applications. SWP is prepared to deny the application based on solid waste deficiencies. Since Howco wants a combined solid waste and UO permit, HWRS cannot issue the UO permit by itself. I have given the following recommendation to everyone:

Since the majority of the deficiencies are attributable to the solid waste aspects, and that application was addressed to SWD, then SWD could issue the denial solely on the basis of the deficiencies listed in the SWD response to Howco's application. Having established jurisdiction over the main claim, SWD would then exercise pendant jurisdiction over the subordinant claim, namely the used oil application.

The intent should recite that there is a related permit application pending and that the used oil program has independent grounds to deny the permit based on an inadequate application to it. The used oil NOD should be attached as an exhibit to the intent.

The intent should notify Howco that the intent is a denial of all aspects of the permit application, including the deficiencies identified by the used oil program.

Subra should look for rules and regs that support denial of the UO permit based on the three noted deficiencies: frequency of sampling, sealed docs for secondary containment, cost estimates, and identify any other deficiencies with citations.

Keep in mind there is a potential enforcement case here: operating without a permit. Their applications

3/31/2006



came in after the expiration dates, therefore the old permit does not exist anymore. The only basis for extending an expiring permit is a complete application BEFORE the permit expires.

CONFIDENTIAL ATTORNEY WORK PRODUCT  
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.07(3)(I), F.S.

Agusta P. Posner  
State of Florida Department  
of Environmental Protection  
3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-2000  
ph (850) 245-2282  
FAX (850) 245-2302  
augusta.posner@dep.state.fl.us

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

**From:** Kothur, Bheem  
**Sent:** Friday, March 24, 2006 1:20 PM  
**To:** Gephart, Albert; Putcha, Subra; Posner, Augusta  
**Cc:** Outlaw, Douglas; Neves, Richard; Clarke, Raoul  
**Subject:** RE: HOWCO

Hello Augusta: I do not know what is going on with SW permit application and NOD comments and responses. I do know there are few issues with UO NOD responses and I am sure those can be resolved and corrected and can be drafted the UO permit. Please let us discuss about the UO application, their NOD responses and what we should do or what facility should do before we make a decision. Augusta, we will do whatever you suggests/recommends to do and will do. Please let us discuss and decide ASAP. Thanks.

FYI, I may take off on Monday; however, Doug Outlaw will be here on Monday morning only as part time until Noon for next 2-3 weeks. Augusta, I also left a message to you on the phone.

That's all

Bheem

---

**From:** Gephart, Albert  
**Sent:** Friday, March 24, 2006 12:52 PM  
**To:** Kothur, Bheem  
**Cc:** Outlaw, Douglas  
**Subject:** HOWCO

You may be aware from the emails (I know Doug Outlaw was copied) that the Southwest District wants to deny HOWCO's permit application. What I would like from you guys are the SPECIFIC citations in the Florida Statutes, Florida Rules or Federal Regulations that are a basis for the denial. For used oil my list was only the analysis plan (frequency of sampling) failure to submit sealed documents of secondary containment calculations and whether the used oil closure cost is acceptable. If Subra has additional items, please include those. I know you are much more knowledgeable in the regulations so that you can cite exactly the citations for the above and any others that we can put in the denial notification. Of course they wanted it yesterday.

Thanks for your help

AI

3/31/2006

*AFG*

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

## Gephart, Albert

---

**From:** Putcha, Subra  
**Sent:** Thursday, March 30, 2006 10:26 AM  
**To:** Bahr, Tim; Posner, Augusta; McGuire, Chris  
**Cc:** Outlaw, Douglas; Dregne, James; Gephart, Albert; Kothur, Bheem  
**Subject:** FW: Howco Astor Used Oil Permit

Tim,

To respond to your questions on Chronology of events on Howco permit, Doug and my self were able to find the following email dated April 29 but we do not recall exactly what date that telephone conversation took place. There is no official request or approval for time extension. The only thing they were counting on was that Astor permit language would influence the ST. Petersburg permit.

Thanks  
Subra

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

From: Outlaw, Douglas  
Sent: Thursday, March 30, 2006 10:02 AM  
To: Putcha, Subra  
Subject: FW: Howco Astor Used Oil Permit

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

From: Putcha, Subra  
Sent: Friday, April 29, 2005 9:04 AM  
To: Outlaw, Douglas  
Subject: RE: Howco Astor Used Oil Permit

The schedule is May 28th for issue of Intent.

Subra

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

From: Outlaw, Douglas  
Sent: Friday, April 29, 2005 8:40 AM  
To: Putcha, Subra  
Subject: FW: Howco Astor Used Oil Permit

What's the schedule?

Doug

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

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

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

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

permits should be similar. We look forward to working with you on the St. Petersburg facility renewal shortly.

Thank you for your assistance in completing the permit process.

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Thursday, March 30, 2006 9:46 AM  
**To:** Putcha, Subra; Kothur, Bheem  
**Cc:** Dregne, James; Outlaw, Douglas  
**Subject:** ASTOR Permit & Appl.

You might want to get Augusta a copy of the Astor permit and permit application so that she knows that there is at least one District that issued a UO and SW processing facility permit without submitting what is required in 62-701.

AI

*AFG*

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

3/30/2006

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Thursday, March 30, 2006 9:37 AM  
**To:** Kothur, Bheem; Putcha, Subra  
**Cc:** Outlaw, Douglas; Dregne, James  
**Subject:** Sampling Of Processed Oil - HOWCO

I noticed that in HOWCO's Astor used oil and solid waste processing facility application that HOWCO stated that processed oil would be sampled once per month. The Central District issued the permit with S.C. II.1 that states that HOWCO shall analyze **all** outgoing shipments of processed oil for the parameters in 40 CFR 279.11 Table 1.

*AFG*

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

3/30/2006

## Gephart, Albert

---

**From:** Morgan, Steve  
**Sent:** Thursday, March 30, 2006 8:43 AM  
**To:** McGuire, Chris; Pelz, Susan  
**Cc:** Kutash, William; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Chris:

To put the denial and the deficiencies in perspective, the entire application package we received from HOWCO for the solid waste processing facility consisted of a \$1000 check, photocopies of pages 8-14 of the used oil application form submitted for their used oil processing facility permit application and excerpts of the information submitted as part of their used oil processing facility application.

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

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

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

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

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 5:50 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Why is April 2 your day 90? Did you declare the application to be complete at some point?  
Here are my comments on the denial, for whatever they are worth.  
Chris << File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

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

**From:** Pelz, Susan  
**Sent:** Wednesday, March 29, 2006 4:56 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

The solid waste permit denial is in Deborah's box for signature. She is only going to be here tomorrow (& Bill is out tomorrow & Friday). Our day 90 is 4/2/06 (Sunday).

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

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 4:33 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get

up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

**From:** Pelz, Susan  
**Sent:** Tuesday, March 28, 2006 5:48 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
**Subject:** HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO § 119.071(l)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by **Thursday this week**.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE  
PURSUANT TO §119.071(l)(d)1, F.S.



**Permittee:**  
**EQ Florida, Inc.**  
**7202 East 8<sup>th</sup> Avenue**  
**Tampa, Florida 33619**

**I.D. Number: FLD 981 932 494**  
**Permit/Certification Number: 34875-HO-007**  
**Expiration Date: January 22, 2006**

c. One (1) copy shall be sent to:

Chief, RCRA Programs Branch  
United States Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-3104

2. The Permittee shall maintain compliance with 40 CFR Part 264, Subpart H - Financial Requirements and Rule 62-730.180(7), F.A.C. All submittals in response to this Specific Condition shall be submitted to:

Financial Officer  
Hazardous Waste Regulation Section  
M.S. 4560  
Bureau of Solid and Hazardous Waste  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

In the event a cost estimate for closure, postclosure, or corrective action increases, the financial instrument must be updated accordingly. Pursuant to 40 CFR Part 264 Subpart H and associated financial instruments, facilities using a trust fund, letter of credit, financial guarantee bond, performance bond, or closure insurance must increase the amount covered by the instrument within 60 days of the estimate increase. Those facilities using a financial test must cover the estimate increase in the next scheduled submittal. If the estimate increase causes the inability of facility to provide financial assurance through their currently selected mechanism, alternate financial assurance must be provided within 30 days. The Permittee shall provide assurances of financial responsibility for completion of off-site corrective action, if required, in accordance with Rule 62-730.180(7), F.A.C.

3. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating the name and date of the document submitted, the number(s) of the Specific Condition(s) affected, and the permit number and project name of the permit involved. All documents proposing modifications to the approved permit and involving the practice of engineering must be submitted to the Department for review and be signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with Chapter 471, F.S. and Rule 62-730.220(7), F.A.C.
4. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with Chapter 492, F.S. and Rule 62-730.220(8), F.A.C.
5. The Department may modify, revoke, reissue or terminate for cause this permit in accordance with Chapter 62-730, F.A.C. The filing of a request for a permit modification, revocation, reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Thursday, March 30, 2006 7:56 AM  
**To:** Pelz, Susan  
**Cc:** Dregne, James  
**Subject:** HOWCO FFY '06 CEI Report

I have a draft of the inspection. However, I never did get input from SW. Attached is what I have to date.

*AFG*

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

3/30/2006

## Gephart, Albert

---

**From:** Gephart, Albert  
**Sent:** Thursday, March 30, 2006 7:53 AM  
**To:** Pelz, Susan; McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

At this point the CEI report is in initial draft form. Of the SEVENTEEN violations only one cites HOWCO for not submitting the permit renewal application in a timely manner (62-710.800(4), FAC). It does not state that they are operating without a permit. Also, I was unaware that there was any verbal communication that HOWCO requested permission to submit their St. Pete application after the Aster permit was issued.

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

**From:** Pelz, Susan  
**Sent:** Wednesday, March 29, 2006 8:23 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** Re: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I think we should move forward with the denial. After he gets up to speed, they can petition the denial and we can try to work out the issues (if we can't work it out, we can go to hearing). The petitioning process exists for this circumstance. They should utilize it.

I don't see any down side for the Department if we send out the denial.

They didn't apply timely and I don't think we should give them the impression that we think they have any authorization to operate (by suggesting a waiver).

I think RCRA has a pending inspection report that notifies them that they are operating without a permit.

Susan

-----  
Sent from my BlackBerry Wireless Device  
Susan Pelz

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

**From:** McGuire, Chris <Chris.McGuire@dep.state.fl.us>  
**To:** Pelz, Susan <Susan.Pelz@dep.state.fl.us>  
**CC:** Kutash, William <William.Kutash@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@dep.state.fl.us>; Dregne, James <James.Dregne@dep.state.fl.us>; Gephart, Albert <Albert.Gephart@dep.state.fl.us>; Bahr, Tim <Tim.Bahr@dep.state.fl.us>; Posner, Augusta <Augusta.Posner@dep.state.fl.us>; Kothur, Bheem <Bheem.Kothur@dep.state.fl.us>; Tedder, Richard <Richard.Tedder@dep.state.fl.us>  
**Sent:** Wed Mar 29 20:13:24 2006  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

If Petrovich is so keen on delaying any action on our parts until he gets up to speed, are you interested in my asking him for a short waiver of our 90-day clock? You would think that if Howco really thinks they don't need a solid waste permit they would either withdraw their application or at least not care if we denied the permit.

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

**From:** Pelz, Susan  
**Sent:** Wed 3/29/2006 5:55 PM

To: McGuire, Chris  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

We called it complete based on the email date (1/4/06) where they said they didn't need a solid waste permit and did not provide the requested solid waste information.

Susan

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

From: McGuire, Chris  
Sent: Wednesday, March 29, 2006 5:50 PM  
To: Pelz, Susan  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard

Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

Why is April 2 your day 90? Did you declare the application to be complete at some point?

Here are my comments on the denial, for whatever they are worth.

Chris << File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

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

From: Pelz, Susan  
Sent: Wednesday, March 29, 2006 4:56 PM  
To: McGuire, Chris  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

The solid waste permit denial is in Deborah's box for signature. She is only going to be here tomorrow (& Bill is out tomorrow & Friday). Our day 90 is 4/2/06 (Sunday).

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

From: McGuire, Chris  
Sent: Wednesday, March 29, 2006 4:33 PM  
To: Pelz, Susan  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

From: Pelz, Susan  
Sent: Tuesday, March 28, 2006 5:48 PM  
To: McGuire, Chris  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
Subject: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by Thursday this week.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)  
(d)1, F.S.

## Gephart, Albert

---

**From:** Pelz, Susan  
**Sent:** Wednesday, March 29, 2006 8:23 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** Re: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I think we should move forward with the denial. After he gets up to speed, they can petition the denial and we can try to work out the issues (if we can't work it out, we can go to hearing). The petitioning process exists for this circumstance. They should utilize it.

I don't see any down side for the Department if we send out the denial.

They didn't apply timely and I don't think we should give them the impression that we think they have any authorization to operate (by suggesting a waiver).

I think RCRA has a pending inspection report that notifies them that they are operating without a permit.

Susan

-----  
Sent from my BlackBerry Wireless Device  
Susan Pelz

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

From: McGuire, Chris <Chris.McGuire@dep.state.fl.us>  
To: Pelz, Susan <Susan.Pelz@dep.state.fl.us>  
CC: Kutash, William <William.Kutash@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@dep.state.fl.us>; Dregne, James <James.Dregne@dep.state.fl.us>; Gephart, Albert <Albert.Gephart@dep.state.fl.us>; Bahr, Tim <Tim.Bahr@dep.state.fl.us>; Posner, Augusta <Augusta.Posner@dep.state.fl.us>; Kothur, Bheem <Bheem.Kothur@dep.state.fl.us>; Tedder, Richard <Richard.Tedder@dep.state.fl.us>  
Sent: Wed Mar 29 20:13:24 2006  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

If Petrovich is so keen on delaying any action on our parts until he gets up to speed, are you interested in my asking him for a short waiver of our 90-day clock? You would think that if Howco really thinks they don't need a solid waste permit they would either withdraw their application or at least not care if we denied the permit.

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

From: Pelz, Susan  
Sent: Wed 3/29/2006 5:55 PM  
To: McGuire, Chris  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

We called it complete based on the email date (1/4/06) where they said they didn't need a solid waste permit and did not provide the requested solid waste information.

Susan

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

From: McGuire, Chris

Sent: Wednesday, March 29, 2006 5:50 PM  
To: Pelz, Susan  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard

Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

Why is April 2 your day 90? Did you declare the application to be complete at some point?

Here are my comments on the denial, for whatever they are worth.

Chris << File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

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

From: Pelz, Susan  
Sent: Wednesday, March 29, 2006 4:56 PM  
To: McGuire, Chris  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

The solid waste permit denial is in Deborah's box for signature. She is only going to be here tomorrow (& Bill is out tomorrow & Friday). Our day 90 is 4/2/06 (Sunday).

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

From: McGuire, Chris  
Sent: Wednesday, March 29, 2006 4:33 PM  
To: Pelz, Susan  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
Subject: RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

From: Pelz, Susan  
Sent: Tuesday, March 28, 2006 5:48 PM  
To: McGuire, Chris  
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
Subject: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by Thursday this week.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>  
CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(1)(d)1, F.S.

## Gephart, Albert

---

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 8:13 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

If Petrovich is so keen on delaying any action on our parts until he gets up to speed, are you interested in my asking him for a short waiver of our 90-day clock? You would think that if Howco really thinks they don't need a solid waste permit they would either withdraw their application or at least not care if we denied the permit.

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

**From:** Pelz, Susan  
**Sent:** Wed 3/29/2006 5:55 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

We called it complete based on the email date (1/4/06) where they said they didn't need a solid waste permit and did not provide the requested solid waste information.

Susan

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

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 5:50 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Why is April 2 your day 90? Did you declare the application to be complete at some point? Here are my comments on the denial, for whatever they are worth.  
Chris << File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

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

**From:** Pelz, Susan  
**Sent:** Wednesday, March 29, 2006 4:56 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

The solid waste permit denial is in Deborah's box for signature. She is only going to be here

3/30/2006



tomorrow (& Bill is out tomorrow & Friday). Our day 90 is 4/2/06 (Sunday).

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

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 4:33 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

**From:** Pelz, Susan  
**Sent:** Tuesday, March 28, 2006 5:48 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
**Subject:** HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by **Thursday this week**.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>  
CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT  
FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1,  
F.S.

## Gephart, Albert

---

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 5:50 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem; Tedder, Richard  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Why is April 2 your day 90? Did you declare the application to be complete at some point? Here are my comments on the denial, for whatever they are worth.



HOWCO SWPF  
465-03-SO denial

Chris

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

**From:** Pelz, Susan  
**Sent:** Wednesday, March 29, 2006 4:56 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

The solid waste permit denial is in Deborah's box for signature. She is only going to be here tomorrow (& Bill is out tomorrow & Friday). Our day 90 is 4/2/06 (Sunday).

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

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 4:33 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

**From:** Pelz, Susan  
**Sent:** Tuesday, March 28, 2006 5:48 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
**Subject:** HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by **Thursday this week**.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>

CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE  
PURSUANT TO §119.071(l)(d)1, F.S.



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

In the matter of an  
Application for Permit by:

DEP File Nos. 92465-003-SO/31  
Pinellas County

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

---

**NOTICE OF PERMIT DENIAL**

The applicant, Hagan Holding Company, Mr. Tim Hagan, president and CEO applied to the Department of Environmental Protection for a permit for operation of the existing solid waste processing facility on August 29, 2005. The facility is referred to as the **HOWCO Environmental Services Solid Waste Processing Facility**, located at 843 43<sup>rd</sup> Street South, St. Petersburg, Pinellas County, Florida.

The Department has permitting jurisdiction under Sections 403.707 and 403.861, Florida Statutes (F.S.), and Chapters 62-4 and 62-701, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a solid waste processing facility permit is required for the proposed work.

Pursuant to Rule 62-4.070(2), F.A.C., if, after review of the application and all the information, the Department determines that the applicant has not provided reasonable assurance that the construction, expansion, or operation of the installation will be in accord with applicable laws or rules, including rules of approved local programs,

*"More Protection, Less Process"*

*Printed on recycled paper.*

the Department shall deny the permit. The applicant has not provided reasonable assurance of demonstrating compliance with the requirements of Chapters 62-701, F.A.C., to the Department. The application does not comply with the following rule requirements:

1. Rule 62-701.710(2), F.A.C., requires that a permit for a waste processing facility permit be submitted on DEP Form #62-701.900(4). A revised application form with the following information was not provided.

a. Part A.5. - DEP ID Number: The DEP ID number for the facility is SWD-60-86933. A revised application form to reflect this ID number was not provided.

b. Part A.7. - Location Coordinates: A review of the Department's GIS data indicates that the latitude and longitude coordinates identified on the submitted application form ~~appear to~~ represent a location approximately 570 feet north of the center of the facility. A revised application form for this item that indicates the latitude and longitude coordinates for the approximate center of the waste processing facility was not provided.

c. Part B. - Additional Information: The required supporting information for this permit application specified by each of the items listed in this section of the application form was not provided.

2. Information that addresses and confirms that each of the Rule 62-701.300, F.A.C. prohibitions will not be violated by the proposed operation of the waste processing facility was not provided. (Rule 62-701.300, F.A.C.)

3. A revised permit application and supporting information that is prepared under the direction of and signed and sealed by a professional engineer registered in the State of Florida was not provided. (Rule 62-701.320(6), F.A.C.)

4. A revised permit application that complies with the content and format specified by Rule 62-701.320(7), F.A.C. was not provided. (Rule 62-701.320(7), F.A.C.)

5. A history and description of all enforcement actions described in Rule 62-701.320(3), F.A.C., involving the applicant and/or the officers/agents of the corporation during the last five years, related to this and any other solid waste management facilities in the State of Florida was not provided. (Rule 62-701.320(7)(i), F.A.C.)

6. Proof of publication of the Notice of Application was not provided. (Rule 62-701.320(8), F.A.C.)

7. Information that adequately describes and projects future types and quantities of solid waste to be collected, stored, processed, or

disposed, as related to the solid waste management facility, and provides the supporting assumptions used to make these projections was not provided. (Rule 62-701.710(2)(a), F.A.C.)

8. A site plan that shows the site conditions and details specified by Rule 62-701.710(2)(b), F.A.C. was not provided. (Rule 62-701.710(2)(b), F.A.C.)

9. Information that identifies and describes the operation, functions, design criteria and expected performance of the processing equipment associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(c), F.A.C.)

10. Information that describes the loading, unloading, storage, and processing areas associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(d), F.A.C.)

11. Information that identifies and provides the capacity of the on-site storage areas associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(e), F.A.C.)

12. Information that provides a plan for disposal and waste handling capabilities in the event of operation interruption associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(f), F.A.C.)

13. A boundary survey, legal description, and topographic survey of the property were not provided. (Rule 62-701.710(2)(g), F.A.C.)

14. Information provided in Attachment 1 of this application failed to provide an operation plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(4), F.A.C. (Rule 62-701.710(2)(h), F.A.C.)

15. Information provided in Attachment 8 of this application failed to provide a closure plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(6), F.A.C. (Rule 62-701.710(2)(i), F.A.C.)

16. Information provided in Attachment 8 of this application failed to specifically identify the closure activities associated with the solid waste processing facility, failed to provide the documentation, calculations, and assumptions utilized in support of the quantities provided, and failed to provide current third-party estimates in support of the loading, hauling, disposal, and site cleanup costs, associated with closure of the solid waste processing facility. (Rule 62-701.710(2)(i), F.A.C. and Rule 62-701.710(7), F.A.C.)

17. Information that demonstrates that the solid waste processing facility conforms to the design requirements for a waste processing facility was not provided. (Rule 62-701.710(3), F.A.C.)

18. Information that provides documentation of compliance with the financial assurance requirements of Rule 62-701.710(7), F.A.C. was not provided. (Rule 62-701.710(7), F.A.C.)

19. A copy of a permit for stormwater management or documentation that no permit is required was not provided. (Rule 62-701.710(8), F.A.C.)

20. Rule 62-4.070(5), F.A.C. The Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met.

a. Rules 62-4.090 and 62-701.320(10)(a), F.A.C., requires that a permit renewal application be timely and sufficient, requires that a permit renewal application be submitted prior to sixty days before expiration of the existing permit, and provides that the existing permit shall remain in effect if the application is timely and sufficient or if the application is made complete prior to the expiration of the existing permit. Permit No. 92465-HO06-001 expired on August 3, 2005. The application for permit renewal for the solid waste processing facility was submitted on August 29, 2005. The application for permit renewal was therefore not timely or sufficient nor made complete prior to the expiration of the existing permit. As a result, Permit No. 92465-HO06-001 no longer remains in effect. Based on a Department site inspections conducted on November 7, 2005 and March 23, 2006, the applicant is continuing to operate the used oil processing and solid waste processing facilities without a valid permit from the Department in violation of Rules 62-4.030, 62-701.320(1), and 62-701.710(1)(b), F.A.C.

The Department will **deny** the permit unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative (proceeding) hearing in accordance with Section 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this denial. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a

waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit denial. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition and to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C. Mediation is not available in this proceeding.



Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of permit denial. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Chapters 62-110 and 28-106, F.A.C. Upon timely filing a petition or a request for an extension of time, this permit denial will not be effective until further Order of the Department.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

---

Deborah A. Getzoff  
District Director  
Southwest District

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this **NOTICE OF PERMIT DENIAL** and all copies were mailed before the close of business on \_\_\_\_\_ to the listed persons.

Date Stamp

**FILING AND ACKNOWLEDGMENT FILED,**  
on this date, pursuant to  
Section 120.52(11), Florida  
Statutes, with the designated  
Department Clerk, receipt of which  
is hereby acknowledged.

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Date)

DAG/sgm

Copies furnished to:

Pinellas County Notification List

John Jones, Jones Ecosystem Management, 11587 W. Atlantic Blvd., Suite 27, Coral Springs Fl. 33071

Laurel Lockett, Carlton Fields, P.O. Box 3239, Tampa, FL 33601-3239

Kelsi Oswald, Pinellas County SW, 3095 114<sup>th</sup> Ave. N. St. Petersburg, Fl. 33716,

James Dregne, HW Section, FDEP Tampa

Fred Wick, FDEP Tallahassee

Douglas Outlaw, FDEP Tallahassee

Richard Tedder, FDEP Tallahassee

John Griffith, FDEP Tallahassee

William Kutash, FDEP Tampa

Susan Pelz, P.E., FDEP Tampa

## Gephart, Albert

---

**From:** Pelz, Susan  
**Sent:** Wednesday, March 29, 2006 4:56 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

The solid waste permit denial is in Deborah's box for signature. She is only going to be here tomorrow (& Bill is out tomorrow & Friday). Our day 90 is 4/2/06 (Sunday).

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

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 4:33 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

**From:** Pelz, Susan  
**Sent:** Tuesday, March 28, 2006 5:48 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
**Subject:** HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by **Thursday this week**.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>  
CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE  
PURSUANT TO §119.071(l)(d)1, F.S.

## Gephart, Albert

---

**From:** McGuire, Chris  
**Sent:** Wednesday, March 29, 2006 4:33 PM  
**To:** Pelz, Susan  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert; Bahr, Tim; Posner, Augusta; Kothur, Bheem  
**Subject:** RE: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

I have it on my screen to review now, but I just got a call from Mike Petrovich who says he was just hired to represent HOWCO. He says he doesn't know if that is in place of or in addition to Laurel Lockett. His request to me was to ask you guys to refrain from taking any action on the permit applications until he can get up to speed and perhaps have a conversation with you or me. I said I would promise nothing except to pass his request on. And I still do plan on giving you comments on the denial very shortly.

Chris

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

**From:** Pelz, Susan  
**Sent:** Tuesday, March 28, 2006 5:48 PM  
**To:** McGuire, Chris  
**Cc:** Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert  
**Subject:** HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by **Thursday this week**.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan

<< File: HOWCO SWPF 92465-03-SO denial.03-28-06.doc >>  
CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT  
TO §119.071(l)(d)1, F.S.

## Gephart, Albert

---

**From:** Bahr, Tim  
**Sent:** Wednesday, March 29, 2006 3:01 PM  
**To:** Putcha, Subra; Dregne, James; Gephart, Albert; Outlaw, Douglas; Kothur, Bheem  
**Cc:** Posner, Augusta; McGuire, Chris  
**Subject:** RE: Chronological Order of Events for HOWCO

Subra,

See attached modifications and needed inserts.

Thanks,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation  
850-245-8790

---

**From:** Putcha, Subra  
**Sent:** Wednesday, March 29, 2006 2:56 PM  
**To:** Dregne, James; Gephart, Albert; Outlaw, Douglas; Kothur, Bheem  
**Cc:** Bahr, Tim; Posner, Augusta; McGuire, Chris  
**Subject:** Chronological Order of Events for HOWCO

Here is the updated chronological order of events for used oil portion of the Howco permit. We need one more document and facility agreed to revise and send as per Jim Dregne email.

Thanks  
Subra

3/30/2006

**Draft Chronological Order of Events for HOWCO, St. Petersburg Facility**

**Date: March 29, 2006**

Facility (who?) verbally requested on date? ~~the Department permission that they will to~~ submit the St. Petersburg permit once the Aster facility permit is issued. The Department (who?) ~~has~~ verbally approved the requested on date?.

|   |   |
|---|---|
| Aster Facility Intent Issued:                     | July 5, 2005  |
| Aster Facility Final Permit issued:               | August 30, 2005   |
| Existing Permit Issued by District:               | August 3, 2000  |
| Existing Permit Expired:                          | August 3, 2005  |
| Permit Renewal Application received:              | July 19, 2005   |
| Check received:                                   | August 23, 2005 (Beginning of the Application Process date) |
| NOD Issued:                                       | September 22, 2005  |
| Waiver received date:                             | November 14, 2005   |
| Waiver received to extend deadline up to          | December 31, 2005   |
| Site Visit and Facility Meeting:                  | December 1, 2005  |
| 1 <sup>st</sup> NOD Initial Response Received:    | Jan 25, 2006  |
| 1 <sup>st</sup> NOD Additional Response Received: | Jan 31, 2005  |
| Waiver receive date:                              | March 1, 2006   |
| Waiver received to extend up to                   | March 31, 2006  |
| 1 <sup>st</sup> NOD Additional-Response Received: | March 23, 2006  |
| 1 <sup>st</sup> NOD Additional Response Received: | March 29, 2005  |

Still to receive Certified closing cost estimate for used oil with third party estimate.

**Gephart, Albert**

---

**From:** Dregne, James  
**Sent:** Wednesday, March 29, 2006 2:22 PM  
**To:** Bahr, Tim; Posner, Augusta; McGuire, Chris; Kutash, William  
**Cc:** Outlaw, Douglas; Kothur, Bheem; Putcha, Subra; Gephart, Albert; Pelz, Susan  
**Subject:** RE: Chronological Order of Events for HOWCO

ALL:

I was contacted by Mike Wolfe from HOWCO at lunch time today. He basically wanted to know what was going on and if any decision had been made concerning HOWCO's UO and SW applications. I told him that there had been meetings and discussions between Tallahassee and the District over the past few days, but no decision had been made yet. I told him that I felt that a decision would be made following Ms. Getzoff's return on Thursday.

Following our general conversation, we discussed the two remaining UO deficiencies we have with HOWCO. The first issue is the sampling frequency for their processed used oil. HOWCO has previously insisted on reducing the sampling frequency from once every two weeks to once a month. Their current permit calls for sampling once every two weeks. Mike Wolfe said that he could get Tim Hagan, HOWCO President, to back-off their current position and agree to once every two weeks.

The second issue was their financial assurance which we say is inadequate to cover closure cost for the facility and was not based on a third party cleanup. It also assumed that they could get money to off-set the cleanup cost from the sell of their processed used oil. Mike Wolfe agreed that they would re-evaluate the cost estimate based on a third party cleanup and not selling their used oil.

They do not seem to want to address our SW issues concerning an application that covers all the information required in FAC 62-701. They still want a combined permit. I don't think we have to issue a single permit.

Jim

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

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

**From:** Bahr, Tim  
**Sent:** Wednesday, March 29, 2006 11:59 AM  
**To:** Putcha, Subra; Posner, Augusta; McGuire, Chris; Gephart, Albert; Dregne, James  
**Cc:** Outlaw, Douglas; Kothur, Bheem  
**Subject:** RE: Chronological Order of Events for HOWCO

Subra,

Please provide quick review of the additional NOD information they submitted to see if we are getting close.

Thanks,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation  
850-245-8790

---

3/30/2006



**From:** Putcha, Subra  
**Sent:** Wednesday, March 29, 2006 10:04 AM  
**To:** Posner, Augusta; McGuire, Chris; Gephart, Albert; Dregne, James  
**Cc:** Outlaw, Douglas; Kothur, Bheem; Bahr, Tim  
**Subject:** Chronological Order of Events for HOWCO

Attached is the updated draft copy of the chronological order of events occurred with Howco, St. Petersburg facility permit. See if we need to make any changes to the order.

Thanks  
Subra

3/30/2006

**Draft Chronological Order of Events for HOWCO, St. Petersburg Facility**

**Date: March 29, 2006**

Facility verbally requested the Department that they will submit the St. Petersburg permit once the Aster facility permit is issued. The Department has verbally approved the requested.

|   |   |
|---|---|
| Aster Facility Intent Issued:                     | July 5, 2005  |
| Aster Facility Final Permit issued:               | August 30, 2005   |
| Existing Permit Issued by District:               | August 3, 2000  |
| Existing Permit Expired:                          | August 3, 2005  |
| Permit Renewal Application received:              | July 19, 2005   |
| Check received:                                   | August 23, 2005 (Beginning of the Application Process date) |
| NOD Issued:                                       | September 22, 2005  |
| Waiver received date:                             | November 14, 2005   |
| Waiver received to extend deadline up to          | December 31, 2005   |
| Site Visit and Facility Meeting:                  | December 1, 2005  |
| 1 <sup>st</sup> NOD Initial Response Received:    | Jan 25, 2006  |
| 1 <sup>st</sup> NOD Additional Response Received: | Jan 31, 2005  |
| Waiver receive date:                              | March 1, 2006   |
| Waiver received to extend up to                   | March 31, 2006  |
| 1 <sup>st</sup> NOD Additional Response Received: | March 23, 2006  |

Still to receive Certified Originals of Secondary Containment Calculations and Certified closing cost estimate for used oil with third party estimate.

*Aug 30, 2005*

*•• Appl due Aug 31, 2005*

*RCVD on 7/19/05  
check RCVD 8/23/05*

**Gephart, Albert**

---

**From:** Gephart, Albert  
**Sent:** Wednesday, March 29, 2006 12:43 PM  
**To:** Putcha, Subra  
**Cc:** Kothur, Bheem; Outland, John; Dregne, James  
**Subject:** RE: Used Oil Closure Cost Estimate

Informally - Yes. Mike Wolfe told me that they were not third party estimates, I told him that we should get comments from Rick Neves on what other facilities in the State are doing. I believe Mike had a discussion with Rick Neves concerning this. I sent Mike an email on March 27, 2006, letting him know that after giving me revisions at our meeting on March 23, 2006, that we still had three outstanding issues. The sampling frequency, the PE seal on the secondary containment calculations and that the used oil closure cost should have been third party estimates. All we have regarding the closure costs is the Jan. 3, 2006, response from John Jones regarding the Sept. 22, 2005 NOD. In that document they just say that revised calculations are included in the resubmission.

Mike Wolfe knows about the closure cost issue but I also think he had some reasoning behind what they did and they presented it to Rick. In talking to Rick I believe that he also believes that HOWCO is deficient in the estimate but Bheem is the one approving them. I don't know if Mike Wolfe will revise the closure cost or not.

Al

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

**From:** Putcha, Subra  
**Sent:** Wednesday, March 29, 2006 12:14 PM  
**To:** Gephart, Albert  
**Subject:**

Al,  
Did you tell them about the certified used oil cost estimate with third party estimate?

Thanks  
Subra

3/29/2006

# FAX

**Date** 3/29/06

Number of pages including cover sheet 5

**TO:** SUBRA PUTCHA  
  
WASTE MANAGEMENT  
TALLAHASSEE

**Phone** 850-245-8776

**Fax #** 800-245-8810

**FROM:** AL GEPHART  
FLORIDA DEPARTMENT  
OF ENVIRONMENTAL  
PROTECTION  
13051 NORTH TELECOM  
PARKWAY  
TEMPLE TERRACE, FL  
33637-0926

**Phone** (813) 632-7600, EXT. 372

**Fax Phone** (813) 632-7664

**CC:**

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

To assist in your update on the status of the application, I am faxing you copies of what we just received from HOWCO. I am mailing you the originals.

Your originals also have the signature date where these do not.

It appears that everything is the same as before except there is a definite raised PE seal.

**Gephart, Albert**

---

**From:** Posner, Augusta  
**Sent:** Wednesday, March 29, 2006 12:02 PM  
**To:** Putcha, Subra; McGuire, Chris; Gephart, Albert; Dregne, James  
**Cc:** Outlaw, Douglas; Kothur, Bheem; Bahr, Tim  
**Subject:** RE: Chronological Order of Events for HOWCO

If those "waivers" are really extensions of time for HOWCO to respond to the NOD, then please change the word from waiver to extension of time to reply.

**CONFIDENTIAL ATTORNEY WORK PRODUCT  
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §120.07(3)(I)**

Agusta P. Posner  
Senior Attorney  
3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-3000  
(850) 245-2282  
FAX (850) 245-2302

---

**From:** Putcha, Subra  
**Sent:** Wednesday, March 29, 2006 10:04 AM  
**To:** Posner, Augusta; McGuire, Chris; Gephart, Albert; Dregne, James  
**Cc:** Outlaw, Douglas; Kothur, Bheem; Bahr, Tim  
**Subject:** Chronological Order of Events for HOWCO

Attached is the updated draft copy of the chronological order of events occurred with Howco, St. Petersburg facility permit. See if we need to make any changes to the order.

Thanks  
Subra

3/29/2006

**Gephart, Albert**

---

**From:** Posner, Augusta  
**Sent:** Wednesday, March 29, 2006 10:47 AM  
**To:** Putcha, Subra; McGuire, Chris; Gephart, Albert; Dregne, James  
**Cc:** Outlaw, Douglas; Kothur, Bheem; Bahr, Tim  
**Subject:** RE: Chronological Order of Events for HOWCO

One thing I notice right off: We do not have to get a waiver of our 90 day issuance clock until we have complete responses to all NODs. Since we still do not have a complete permit application, we did not need to get any waivers.

**CONFIDENTIAL ATTORNEY WORK PRODUCT  
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §120.07(3)(I)**

Agusta P. Posner  
Senior Attorney  
3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-3000  
(850) 245-2282  
FAX (850) 245-2302

---

**From:** Putcha, Subra  
**Sent:** Wednesday, March 29, 2006 10:04 AM  
**To:** Posner, Augusta; McGuire, Chris; Gephart, Albert; Dregne, James  
**Cc:** Outlaw, Douglas; Kothur, Bheem; Bahr, Tim  
**Subject:** Chronological Order of Events for HOWCO

Attached is the updated draft copy of the chronological order of events occurred with Howco, St. Petersburg facility permit. See if we need to make any changes to the order.

Thanks  
Subra

3/29/2006