

#### ATTORNEYS AT LAW

#### ONE HARBOUR PLACE 777 S. HARBOUR ISLAND BOULEVARD TAMPA, FLORIDA 33602-5730

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

#### FAX COVER SHEET

July 28, 2000	Phone Number	Fax Number
	(813) 744-6100 , X 404	(813) 744-8198
Tim Hagan	(727) 327-8467 x226	(727) 323-2249
Bonnie Lancy, Secretary to Laurel Lockett	(813) 223-7000	(813) 229-4133
	July 28, 2000 Stanley Tam Tim Hagan Bonnie Laney, Secretary to Laurel Lockett	Stanley Tam (813) 744-6100 , X 404 Tim Hagan (727) 327-8467 x226

Client/Matter No.: 31028/59598	Employee No.: 378
Fotal Number of Pages Being Transmitted,	Including Cover Sheet: 3
Message: Re: Howco Environmental	Scrvices/Used Oil Permit
Please find enclosed a fax copy of the the original yet and will forward it to	e Affidavit for Proof of Publication. We have not received you upon receipt.
Original to follow Via Regular Mail	Original will Not be Sent 🗖 Original will follow via Overnight Courier
or entity named above. If the reader of this message is	norney privileged and confidential information intended only for the use of the individual not the intended recipicut, you are hereby notified that any dissemination, distribution or a have received this communication to error, please immediately notify us by telephone of message to us at the above address via the U.S. Postal Service. Thank you.
IF THERE ARE ANY PROBLEMS	OR COMPLICATIONS, PLEASE NOTIFY US IMMEDIATELY AT: (813) 223-7000
TELECOPIER OPERATOR:	

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

TAMPA

ORLANDO

TALLAHASSEE

WEST PALM BEACH

ST. PETERSBURG

 $\mathbf{MIAMI}$ 

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www. Wemorandum

## Florida Department of Environmental Protection

#### PERMIT COVER MEMO

TO:	Deborah A.	Getzoff, Director of	f District Manage	ement
FROM/THROUGH		ash, Environmental, Professional Engir	Administrator neer II	
DATE: June 12, 2	2000			
FILE NAME: HO	WCO Environmental	Services PF	ROJECT #: 924	65-HO06-001
PROGRAM: Haza	ardous Waste	CO	OUNTY: Pine	ellas
TYPE OF DOCUMI	ENT:			
☐ Draft <b>or</b> ☒ Fina ☐ Transfer Owner ☐ Other:	l ☐ Issue ☐ Public No	Deny Deny Intent		
Public Notice Period	Closed? N/A	Petition Filed? 1	N/A	+
PERMIT SUMMAR hazardous used antifre currently operating uncused oil program speciconditions that would wastes for disposal at a	der a general permit # ific permit is issued.  permit the facility to a	th used oil, and used SO52-279950 which This new permit als	d oil filters. The ch remains active so incorporates so	facility is until its new
PROFESSIONAL RI	ECOMMENDATIO	N: X Al	PPROVE _	_ DENY
EVALUATION SUM	IMARY: HOWCO	submitted its application	ation on June 19	, 1997. Six

EVALUATION SUMMARY: HOWCO submitted its application on June 19, 1997. Six notices of deficiency letters were issued and multiple meetings were held to develop a complete application. On December 3, 1999, the Department determined that HOWCO's permit application was complete and drafted the terms and conditions of this permit. This permit authorizes HOWCO to operate a used oil and material processing facility under one permit. The permit requires a public notice in a newspaper of general circulation in Pinellas County. Attached is the language for publication to satisfy FDEP regulations.

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

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

Sincerely yours

Deborah A. Getzoff

Director of District Management

Southwest District

#### Attachments

cc: Narindar Kumar, EPA Region IV (w/Attachments)

Satish Kastury, FDEP/Tallahassee (w/Attachments)

William Davis, Pinellas County DEM (w/o attachments)

Warren Smith, Pinellas County Solid Waste Operations (w/o attachments)

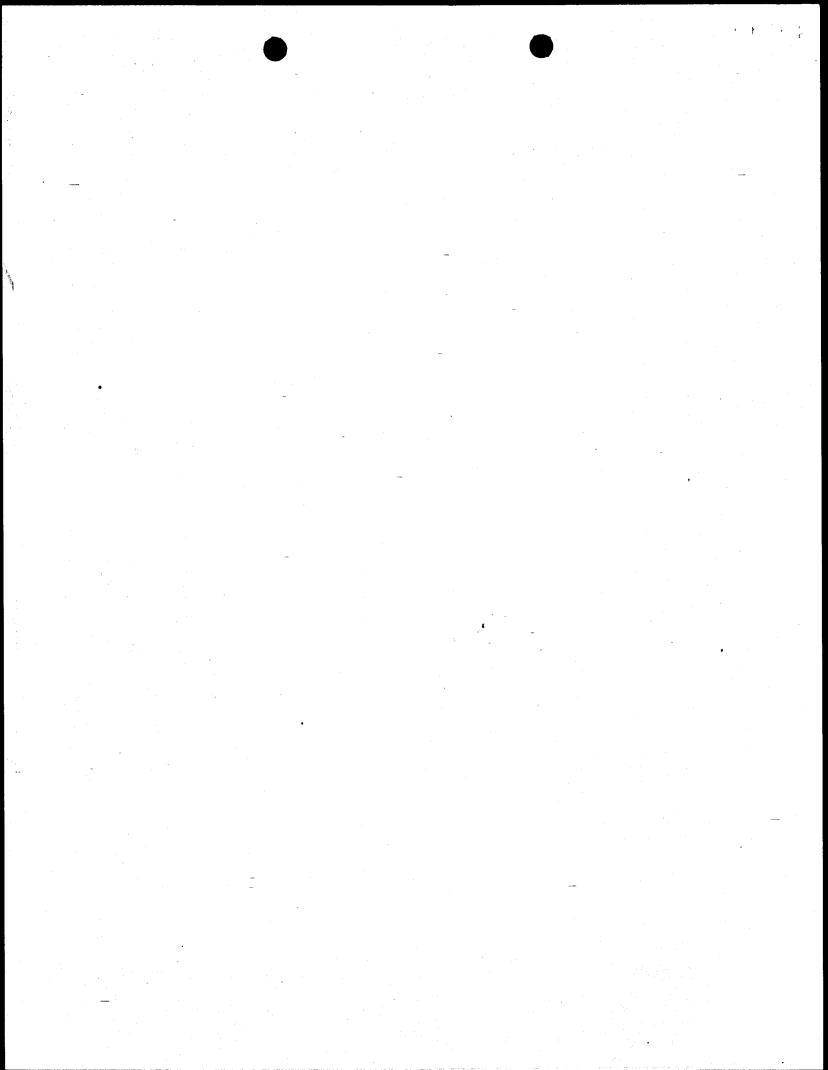
#### **CERTIFICATE OF SERVICE**

This undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on <u>June 14, 2000</u> to the listed persons.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(10), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF AN APPLICATION FOR A PERMIT:

DEP FILE NUMBER: 92465-HO06-001

June 14, 2000

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

Attention: Mr. Tim Hagan, President

#### **INTENT TO ISSUE**

The Department of Environmental Protection (DEP) hereby gives notice of its Intent to Issue, and requests the publication and notice for the above referenced permit. Upon issuance of this permit, the Department will authorize the permittee to operate a Used Oil and Material Processing Facility located at 843 43<sup>rd</sup> Street South, St. Petersburg, Florida.

The facility processes used oil and oily wastes from customers engaged in used oil and used oil filter recycling, cleaning of oil tanks and oil/water separators and other waste streams containing used oil. In addition to processing used oil, the facility would receive and process non-hazardous petroleum-contaminated solid wastes for future disposal at facilities approved by Federal, State and Local agencies.

The Department has permitting jurisdiction under Section 403.704 and 403.769, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C) Chapters 62-4, 62-701 and 62-710. The project is not exempt from permitting procedures. The Department has determined that a permit is required for the proposed work. The Department intends to issue the permit with the conditions included in the attached draft Permit.

Pursuant to Section 403.815, F.S., you (the applicant) are required to publish at your own expense the enclosed notice for the Department's Intent to Issue a used oil and material processing facility permit to HOWCO ENVIRONMENTAL SERVICES, to operate a used oil and material processing facility

located at the above mentioned location. The attached notice must be published one time only in the legal ad section of a major local newspaper of general circulation in Pinellas County within fourteen (14) days from receipt of this letter. Proof of publication must be provided to the Department within seven (7) days of publication of the notice. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department shall issue the permit 92465-HO06-001 with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., or all parties reach a written agreement on mediation as an alternative remedy under 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interest is affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with 120.568 and 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 Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by other parties, or requests for public meetings by persons, must be filed within fourteen (14) days of publication or receipt of this notice of intent, which ever occurs last. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a part to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with 28-106.205, F.A.C.

A petition must contain the following information:

- (a) The name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit 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 that the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement identifying the rules or statutes that the 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 that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

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 intent. Persons whose substantial interest 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.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interest of each mediating party are affected by the Department's action or proposed action. The agreement must be filed in (received by) the

Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten (10) days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
- (h) The signature of all parties or their authorized representatives.

As provided in 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty (60) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial

interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen (14) days of receipt of this notice of intent. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing process under 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT

Deborah A. Getzoff

Director of District Management

Southwest District

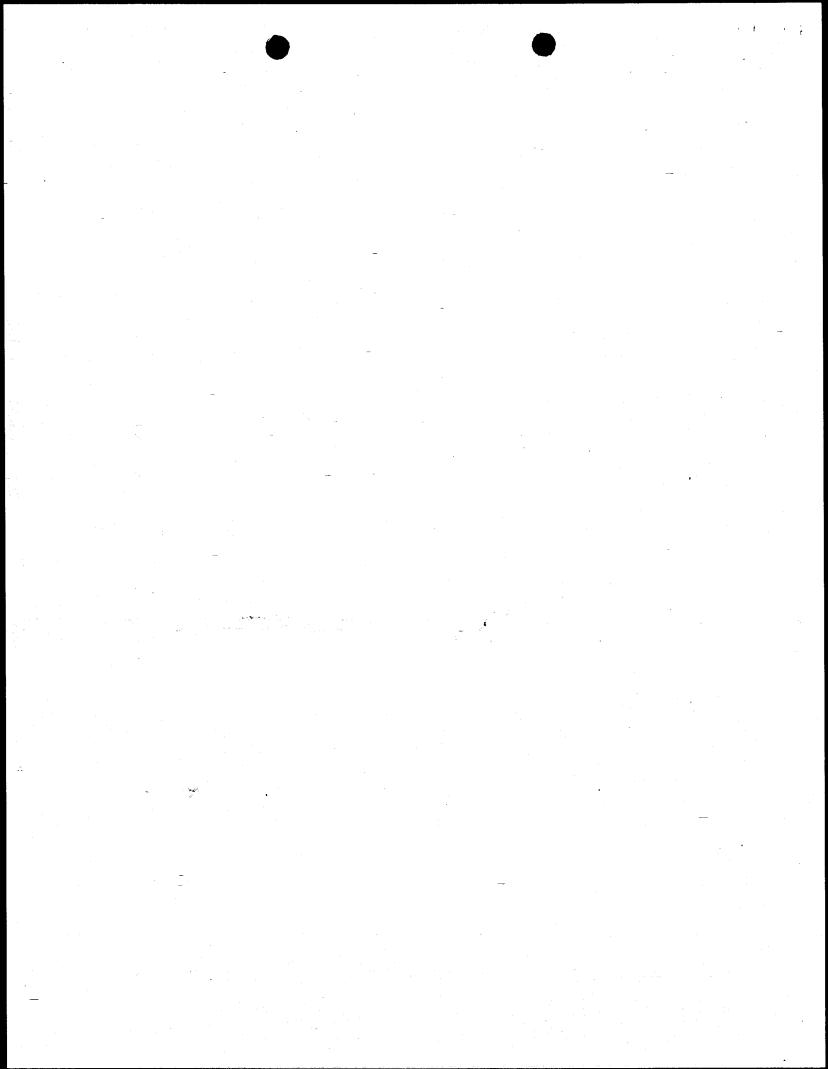
Department of Environmental Protection

3804 Coconut Palm Drive

Tampa, Florida 33619-8318

This is to certify that this NOTICE OF INTENT TO ISSUE was mailed before the close of business on the date indicated on the return request form.

JAJA Black Signature



#### PUBLIC NOTICE OF PROPOSED AGENCY ACTION Newspaper Publication

#### FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION 3804 Coconut Palm Drive Tampa, Florida 33619-8138 813/744-6100

DEP File Number: 92465-HO06-001

#### INTENT TO ISSUE

The Department of Environmental Protection gives notice of its Intent to Issue a permit to HOWCO Environmental Services to operate a Used Oil and Material Processing Facility. The facility is located at 843 43<sup>rd</sup> Street South, St. Petersburg, Pinellas County, Florida.

The facility processes used oil and oily wastes from customers engaged in used oil and used oil filter recycling, cleaning of oil tanks and oil/water separators and other waste streams containing used oil. In addition to processing used oil, the facility would receive and process non-hazardous petroleum-contaminated solid wastes for future disposal at facilities approved by Federal, State and Local agencies.

The application and a copy of the proposed permit are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at either:

Florida Department of Environmental Protection Southwest District Office 3804 Coconut Palm Drive Tampa, Florida 33619-8318 (813) 744-6100

OR

Florida Department of Environmental Protection Hazardous Waste Regulation Section 2600 Blair Stone Road Tallahassee, Florida 32399-2400 (850) 488-0300.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 of the Florida Statutes (F.S.), or all parties reach a written agreement on mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Sections 120.569 and 120.57, F.S. Petitions must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the time of filing. Failure to file a request for hearing within this time

frame shall constitute a waiver or any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F.A.C.).

A petition for formal or informal administrative hearing pursuant to Section 120.57, F.S., shall contain the following information: (a) The name, address, and telephone number of each petitioner. If the petitioner challenges a Department action or proposed action on a permit application, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed, shall also be included; (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 those material facts (i.e., those facts upon which the Department's action or proposal is based) disputed by petitioner. If no facts are disputed, petitioner shall so state; (e) A statement of 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; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition on the Department's permit is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Persons whose substantial interests have been affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Section 28-106.205, F.A.C., at least five (5) days before the final hearing. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten (10) days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.



# Department of Environmental Protection

Jeb Bush Governor Southwest District 3804 Coconut Palm Drive Tampa, Florida 33619

David B. Struhs Secretary

#### PERMITTEE:

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

Attention:
Mr. Tim Hagan
President

#### PERMIT/CERTIFICATION:

I.D. Number: FLD 152 764 767 Permit No: 92465-H006-001

County: Pinellas

Issue Date: DRAFT
Expiration Date: DRAFT
Latitude / Longitude:
27°54'0"N / 82°38'11"W Section / Township / Range:
10 1/2 / 31 S / 22 E
Project: Operation of a Used

Oil and Material Processing Facility.

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

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

#### Used Oil Activities

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

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

"More Protection, Less Process"



#### Material Processing Activities

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

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

#### Other Activities

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

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

This permit replaces the general permit No. SO52-279950

PROJECT: Operation of a Used Oil and Material Processin Cility

#### GENERAL CONDITIONS:

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

PROJECT: Operations of a Used Oil and Material Processing acility

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

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

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

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

- 9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- 10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in 62-302.500, FAC, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

PROJECT: Operation of a Used Oil and Material Processing acility

- 11. This permit is transferable only upon Department approval in accordance with 62-4.120 and 62-730.300, FAC, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
  - 12. This permit is required to be kept at the work site of the permitted activity.

13.	This	permit	also	constitutes:
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Determination	of	Best Availa	able Control	l Technology	(BACT)
Determination	of	Prevention	of Signific	cant Deterio	cation (PSD)
Certification (Section 401,			with State	Water Qualit	ty Standards
Compliance wit	h N	New Source	Performance	Standards	

- 14. The permittee shall comply with the following monitoring and record keeping requirements:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
  - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule;
  - c. Records of monitoring information shall include:
    - the date, exact place, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements;
    - the date(s) analyses were performed;
    - the person responsible for performing the analyses;
    - the analytical techniques or methods used; and
    - the results of such analyses.

PROJECT: Operation of a Used Oil and Material Processit acility

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

PROJECT: Operation of a Used Oil and Material Processing scility

- 17. In the case of a hazardous waste facility permit, the following permit conditions shall also apply:
  - a. The permittee will submit the following reports to the Department:
    - (1) Manifest discrepancy report: If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within 15 days after receiving the waste, the permittee shall immediately submit a letter report including a copy of the manifest to the Department.
    - (2) Unmanifested waste report: The permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.
    - (3) Biennial report: A biennial report covering facility activities during the previous calendar year shall be submitted to the department by March 1 of each even numbered year pursuant to 62-730, FAC.
  - b. Notification of any non-compliance that may endanger public drinking water supplies, or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be verbally submitted to the Department within 24 hours and a written submission provided within 5 days. The verbal submission within 24 hours shall contain the name, address, I.D. number and telephone number of the facility and owner or operator, the name and quantity of materials involved, the extent of injuries (if any), an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain the following:
    - (1) a description of any cause of non-compliance; and
    - (2) if not corrected, the anticipated time the non-compliance is expected to continue and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.
  - c. Reports of compliance or non-compliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
  - d. All reports or information required to be submitted to the Department by a hazardous waste permittee shall be signed by a person authorized to sign a permit application.

## PROJECT: Operation of a Used Oil and Material Processing acility

#### SPECIFIC CONDITIONS:

#### PART I - STANDARD

#### 1. General Requirements

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

#### 2. Submittals

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

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#### (1) One copy to:

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

#### (2) One copy to:

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

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

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

- 3. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating: the name and date of the document submitted; the number(s) of the Specific Condition(s) affected; the permit number and project name of the permit involved; and the document has been sent to each organization listed in Specific Condition I.2.a.
- 4. All request for permit modifications shall be certified by the owner and operator and signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with 471, FS. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with 492, FS.
- 5. The Department may revoke this permit in accordance with 403.087(7), FS, or may modify this permit in accordance with 62-4.080, FAC. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the permittee does not stay the applicability or enforceability of any permit condition.
- 6. The permittee shall submit any substantial revisions in the permitted operation or design of this facility to the Department for approval prior to implementation

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

#### PART II - USED OIL PROCESSING

- The permittee may accept certain mixtures of used oil and hazardous waste if said mixture is regulated as used oil under \$279.10 or applicable Florida law. The permittee shall not otherwise accept or store hazardous waste (including mixtures of used oil and hazardous waste) received from off-site generators at the facility without receiving written approval from the Department [\$264].
- 2. The permittee shall comply with the storage capacities identified in Attachment 3 (Tables 3-1, 3-2 and 3-3) of the application.
- 3. The permittee shall only introduce into the processing equipment or process, used oil and other waste streams as specified in Attachment 2, pages 1 through 3, of the permit application or as described in Specific Condition IV.1.b(1)-(8); provided, however, nothing in this Specific Condition shall be deemed to prevent permittee from introducing virgin products or non-hazardous liquids containing BTU value (e.g., non-hazardous sludge, inks, greases) into the process prior to analysis pursuant to Specific Condition II.8 below.
- 4. The permittee shall maintain records of hazardous waste determinations from each generator for used oil waste streams (e.g., used antifreeze) received at the facility pursuant to \$279.57(a)(2). The determinations are to be requested from the generator each time the generator's process changes. If a nonhazardous determination is based on process knowledge, the permittee shall obtain a document from the generator that contains a brief description that clearly states the generator's process and management practices that led to the non-hazardous determination. If analytical results are used to demonstrate that the waste is non-hazardous, documentation shall be in the form of results generated by permittee's laboratory or an independent laboratory with a valid FDEP Comprehensive Quality Assurance Plan (CompQAP). The permittee shall keep this documentation on file at the facility or corporate offices.
- 5. The permittee shall comply with the tracking requirements specified in \$279.56 and 62-710.510, FAC.
- 6. The permittee shall keep an operating record, in the form originally collected or obtained, at the facility or corporate offices which includes:
  - a. a copy of the permit application;
  - b. manifests and other shipping documents (for 3 years)
    [\$279.56(c)];
  - c. training records;
  - d. the results of inspections (for 3 years);



- e. a summary report and details of incidents that require implementation of the contingency plan;
- f. the closure plan;
- g. the results of all waste analyses (for 3 years);
- h. annual used oil activity reports; and,
- i. a validated annual used oil registration form.

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

- 7. The permittee shall only ship used oil with or accept used oil from a used oil transporter who has obtained an EPA identification number and has registered with the State of Florida, except as set forth in 62-710.600(1), FAC. [62-710.500(1)(a), FAC].
- 8. Processed Used Oil Analysis Plan [§279.55]
  - a. The permittee shall obtain representative samples from its processed used oil tanks as stated in Section 4.2.1 of the application. After prior Department approval, other procedures for obtaining a representative sample based on either the sampling methods in \$261, Appendix I or a method shown to be equivalent under \$260.20 and \$260.21 may also be used.
  - b. Unless modified by the results of the study in Specific Condition II.8.c below, the permittee shall sample and analyze every tank (i.e., batch) of used oil processed prior to shipping off-site to determine if the processed oil meets the on-specification used oil fuel criteria. The analysis shall be performed either by the permittee's laboratory or an independent laboratory with a valid FDEP CompQAP. This classification of on-specification used oil fuel must meet the requirements of the rebuttable presumption and the analytical parameters shown in Table 4-1 of the application and listed in \$279.

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

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

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

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

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

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

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- (2) If the "calculated t" value of the constituent/property analyzed is less than the corresponding "t" value of Table 9-2, such that the sample mean plus the 80% confidence interval is less than the regulatory limit (except for flash point—where the sample mean minus the 80% confidence interval which will be greater than the regulatory limit), the permittee shall sample and analyze one tank (i.e., batch) of processed used oil once every two weeks for that constituent/property prior to shipping off-site. The analysis shall be performed in the manner described in Specific Condition II.8.b above.
- d. At the election of the permittee, the study outlined in Specific Condition II.8.c above may be repeated for any constituent/property that does not pass following the first study. Any subsequent studies must be completed within one (1) year of the end of the first study.
- 9. The permittee shall manage the sludges, residues, and by-products generated from the storage and processing of used oil at the facility in accordance with \$279.10(e).

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#### PART III - TANKS

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

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

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#### PART IV - SOLID WASTE PROCESSING

- 1. Facility Designation. In addition to the used oil activities permitted above, this facility shall be classified as a waste processing facility for the processing of non-hazardous wastes. Notwithstanding the above, nothing herein shall prohibit the permittee from handling virgin materials or products. This permit does not regulate in-feed waste streams otherwise permitted to be received or handled by the permittee pursuant to its Industrial Wastewater Pretreatment permit with the City of St. Petersburg.
  - a. <u>Definitions.</u> The following terms are defined as follows for the purposes of this permit:
    - (1) "Contaminated" means the presence of petroleum or petroleum products or their chemical constituents in surface water, groundwater, soil, sediment, or upon the land, in quantities or concentrations that may result in exceedances of the applicable cleanup target levels specified in 62-777, FAC, or water quality standards in 62-3, 62-302, 62-520 or 62-550, FAC, or in quantities or concentrations that may result in contaminated sediment.
    - (2) "Contaminated sediment" means sediment that is contaminated with petroleum or petroleum products or their chemical constituents to the extent that contamination may be harmful to human health or the environment as determined by the concentrations of the petroleum or petroleum products' contaminants of concern, actual circumstances of exposure, diversity studies, toxicity testing or other evidence of harmful effects, as applicable. (Refer to the Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994, for guidance on the evaluation of concentrations of petroleum products' contaminants of concern and sediment quality conditions.)
    - (3) "Contaminated soil" means soil that is contaminated with petroleum or petroleum products or their chemical constituents to the extent that applicable soil cleanup target levels specified in 62-777, FAC, are exceeded.
    - (4) "Contamination" refers to the definition for "contaminated."
    - (5) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for solid waste management.
    - (6) "Impervious surface" means a surface that has been constructed to prevent the discharge of contaminants into or onto the soil mantle. Asphalt pavement or concrete which has been sealed by a chemical resistant sealant, and which does not exhibit cracking, spalling, gouges, or other

deficiencies, may be considered "impervious" for the purposes of this permit.

- (7) "Non-hazardous wastes" are wastes that are not included in the definition of hazardous wastes pursuant to 62-730, FAC.
- (8) "Petroleum contaminated soil" as defined in 62-713.200(6), FAC.
- (9) "Petroleum contaminated water" means water which has been contaminated as defined in Specific Condition IV.1.a(1) above, exclusively by petroleum products as defined in 376.301(21), FS (1995), in quantities which may result in a violation of 62-3, FAC, water quality standards.
- (10) "Processing" means separating and consolidating the materials received based on physical characteristics (including processing of such materials through the oily solids batch treatment tank #111 and the cone-bottom tank #110), and includes bulking and consolidation of materials from small containers into larger containers, and separation of liquids and solids and may include the addition of "solidification agents" as defined below. The addition of solidification agents shall not be deemed to change the chemical characteristics of the waste stream under this permit. "Processing" does not include treatment, such as the stabilization of materials by the addition of stabilization agents, or changing the chemical character, composition or concentration of the materials.
- (11) "Site" means the area of land or water within the property boundaries where one or more waste processing, resource recovery, recycling, storage or disposal areas are located.
- (12) "Solidification Agents" include "oil-dri", vermiculite, clay absorbents, fly ash from coal-fired industrial boilers, and clean soil that are purchased specifically for solidification purposes. Other absorbent materials which may change the physical characteristics (e.g., solid/liquid state) purchased specifically for solidification purposes may be added to this list of solidification agents if written notice is provided to the Department.
- (13) "Solid Waste Processing Area" shall include the Solids Storage Area and the Sludge Separation Area shown on Drawing 10-2 in the permit application.
- (14) "Stabilization Agents" include cement kiln dust, lime, or other chemical reagents whose addition may alter the chemical characteristics of the materials.

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- b. The materials, which are permitted to be accepted, processed, stored or otherwise managed at the facility under Part IV of this permit, are limited to the non-hazardous wastes identified below as these terms are identified in this section above:
  - (1) Petroleum contaminated soil.
  - (2) Petroleum contaminated sorbent materials (e.g. pads, booms, rags, vermiculite, etc.), personal protective equipment (PPE) and petroleum contaminated debris associated with a spill such as gravel, rock, concrete, asphalt and de minimus quantities of other petroleum contaminated solid wastes.
  - (3) Petroleum tank bottom sludges from petroleum storage tank systems regulated pursuant to 62-761, FAC, non-regulated petroleum storage tank systems, pits, containment areas, sumps and tanks.
  - (4) Petroleum contaminated water as defined in this permit, Specific Condition IV.1.a(9).
  - (5) Petroleum contact water (PCW) as defined in 62-740.030(1), FAC.
  - (6) Petroleum contaminated sediments, sludges and liquids that originate from oil/water separators at residential car washes, rollover car washes, and tunnel car washes as defined in 62-660.803(3), FAC.
  - (7) Empty petroleum contaminated drums, pails, gas tanks, and fuel filters not otherwise constituting "used oil".
  - (8) Non-hazardous, non-liquid waste streams generated from the on-site used oil processing and industrial wastewater pretreatment facilities.
- c. Unless specifically stated otherwise in this permit, the wastes listed in Specific Condition IV.1.b. may be accepted, processed, stored and managed only if the permittee has obtained reasonable assurance that the materials are not hazardous waste as defined in Specific Condition IV.1.a(7).
- d. Wastes not specifically listed or described in Specific Condition IV.1.b. shall not be managed at the facility pursuant to Part IV of the permit.
- e. Part IV of the permit <u>does not</u> authorize the management of household hazardous wastes (described\_in §261.4), or hazardous wastes generated by conditionally exempt hazardous waste generators regulated under §261.5 (CESQG's). However, certain mixtures of used oil and hazardous waste may be accepted for used oil processing as identified in Specific Condition II.1 and the Department acknowledges that this condition does not

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apply to such used oil materials that may be lawfully accepted pursuant to Part II of this permit and applicable law.

- 2. Prohibitions. The prohibitions of 62-701.300, FAC, shall not be violated at this site.
- 3. Facility Operation Requirements.
  - a. The permittee shall operate this facility in accordance with 62-701.700, FAC, the Operations Plan, other documentation supporting the permit application, and any other applicable requirements.
  - b. In the event that the processing equipment becomes inoperable, the permittee shall complete repairs, or provide reserve equipment, within one week of discovery of the equipment failure. In the event that sufficient reserve equipment is not available within one week of the equipment failure, and the facility has reached its permitted storage capacity, the facility shall not accept additional waste materials until sufficient equipment is operating at the site.
  - c. Incompatible materials shall not be combined during receipt, storage or processing at the facility.
  - d. Except as described in Specific Condition IV.1.a(10) above, the operations of this facility shall not alter the chemical characteristics of the solid waste materials received, processed, stored or otherwise managed by the addition of stabilization agents, or other methods, without prior Department approval. If the permittee chooses to "stabilize" solid materials or otherwise change the chemical characteristics of the materials, a permit modification shall be required.
- 4. Waste Acceptance.
  - a. Wastes shall be accepted in accordance with the Operations Plan, the Sampling & Analysis Plan, the conditions of this permit and the information submitted in support of this permit.
  - b. Each solid waste stream generated by the used oil processing facility shall be sampled and analyzed for the parameters listed in Table 4-3 of the permit application at least annually.
  - c. Wastewater treatment sludge (WWTS) generated from permittee's industrial waste pre-treatment plant sludge press and that the permittee intends to dispose off-site with no further processing at the facility (other than mixing with soil or other material for the purpose of absorbing liquid) shall be sampled and analyzed in accordance with the requirements of Specific Conditions IV.4.c(1) through (6) below. This waste

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

- (1) WWTS shall be sampled as follows: permittee shall cause a qualified professional trained in sampling techniques ("sampling professional") to take a composite sample, consisting of at least six sub-samples, of WWTS contained in the dump hopper. The sample shall be taken when the dump hopper is at least half-full and be taken directly from the hopper before the waste is commingled with any other materials or waste streams. The WWTS batch shall be uniquely identified by permittee and tracked on all chain-of-custody and other documentation concerning sampling and analysis. The sample shall be delivered to a chemical analytical laboratory for analysis. The laboratory must be a "qualified laboratory", that is, have a Department approved Comprehensive Quality Assurance Plan (CompQAP), and be approved for Toxicity Characteristic Leaching Procedure, EPA Method 1311 (TCLP), for all parameters listed in Table 1 of §261.24 ("toxic contaminants"). Within the sample holding time limit, the sample shall be analyzed by TCLP for all toxic contaminants.
- (2) The WWTS shall be sampled quarterly for two quarters and analyzed as described above and permittee shall submit to the Department a laboratory report documenting the results of the sampling and analysis performed in accordance with Specific Condition IV.4.c(1) above.
- (3) Thereafter, and not including any analyses performed in accordance with Specific Condition IV.4.c(5) below, the WWTS shall continue to be analyzed at a minimum frequency of once per year in the same manner as described above.
- (4) Although generated at two different facility process units, the waste solids generated at the cone-bottom tank (Tank No. 110) and at the oily solids batch treatment tank (Tank No. 111), are agreed by the Department and permittee to constitute the same waste stream. The oily solids batch treatment tank is generated from permittee's processing of waste sludge that typically contain recoverable petroleum constituents, but their exact composition is not precisely known because they come from many different facilities and are derived from a variety of sources and processes; including oil/water separators, storage tank clean-outs, and residential car wash holding tanks [62-660.803(3) FAC]. Wastes generated by the permittee from processing used oil are also processed in these units. This waste stream shall

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be identified as oil-extracted sludge (OES). The generation of OES is agreed to occur at the time and point at which solid waste is removed from either process unit, and permittee intends to dispose of the waste off-site with no further processing at the facility, other than mixing the waste with soil or other material for the purpose of liquid absorption. OES shall be sampled at a point after it is removed from either process unit and before mixing with any other material, and shall be analyzed and managed in the same manner and within the time frames specified for WWTS in Specific Conditions IV.4.c(1) through (3) above. For the purposes of the sampling hereunder, an "OES batch" shall be defined as any amount over 55 gallons and less than the capacity of the unit removed on the same day from either process unit. The initial sample may be taken from an OES batch generated at either process unit at the permittee's discretion. Consecutive samples shall be taken alternately from the two process units.

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

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- d. All waste solids generated from cleaning the vibratory screen filter in the used oil processing plant shall be placed in containers that are kept closed to the outside elements except when in use and labeled as "Screen Filter Residue". The containers shall be stored in an area provided with secondary containment until the contents are transferred for further processing into either the cone-bottom tank #110, or the oily solids batch treatment tank #111. All tank bottom sludges generated from the cleaning of storage and process tanks at the facility shall also be transferred for further processing into either the cone-bottom tank or the oily solids batch treatment tank. The "point of generation" of waste derived from either of these two materials, when managed in this manner, is the cone-bottom tank or the oily solids batch treatment tank, as applicable. If permittee chooses to manage either screen filter residue or tank bottom sludge without further processing through either the cone-bottom or oily solids batch treatment tanks, then permittee shall make a waste determination on such materials in accordance with the analysis specified in Specific Condition IV.4.c(6) above, and manage the waste in accordance with all hazardous waste requirements per 62-730, FAC, if any of the TCLP levels are exceeded.
- e. Permittee shall provide verbal notification to the Department's Southwest District Hazardous Waste Section at least three (3) days prior to performing the sampling described in Specific Conditions IV.4.c(1) through (5) above. Permittee shall allow Department representatives the opportunity to obtain a split sample at each sampling event, and allow the Department access to sample the described waste streams at any time during normal business hours. Results of all analyses performed shall be exchanged between permittee and the Department as soon as the data is available.
- f. The permittee shall maintain records of hazardous waste determinations from each generator for all solid waste streams (e.g. petroleum contaminated soils) received at the facility. The determinations are to be updated by the generator each time the generator's process is changed. Permittee will have the generator re-affirm at least annually, that the process has not changed and record this update in the record for that generator. If a non-hazardous determination is based on process knowledge, the permittee shall obtain a document from the generator that contains a brief description that clearly states the generator's process and management practices that led to the non-hazardous determination. If analytical results are used to demonstrate that the waste is non-hazardous, documentation shall be in the form of results generated by a laboratory with a valid FDEP CompQAP [Table 2, 62-160.700, FAC]. The permittee shall keep this documentation on file at the facility or corporate offices.

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# 5. Waste Disposal.

- a. All processed materials shall be transferred, or disposed of, at an appropriately permitted disposal or treatment facility. The permittee shall not transfer any material, processed or unprocessed, for treatment or disposal, to a facility not specifically approved for the disposal or treatment of such materials.
- b. Solid wastes produced by the on-site industrial wastewater pre-treatment system or the used oil processing system which are not <u>soil</u>, may be disposed of at a soil treatment facility **only if** that facility is authorized by an alternate procedure issued pursuant to 62-713, FAC or 62-775, FAC, to accept and manage such wastes.
- c. The permittee shall ensure that the materials which are disposed have been adequately sampled, analyzed and characterized to meet the intended disposal facilities' acceptance criteria. The outgoing materials shall be sampled and analyzed at least annually, or more frequently if required by the disposal facility.
- d. Pursuant to 62-660.803(5), FAC, contaminated liquids from car (or truck) wash oil/water separators shall be disposed of at a Department permitted wastewater treatment facility or a pretreatment facility connected to a department-permitted wastewater treatment facility (such as the permittee's on-site industrial wastewater pre-treatment facility). Processed solids from oil/water separator sludges shall be disposed of at a Class I or Class II solid waste landfill authorized by the Department unless laboratory analysis confirms alternative disposition is permitted under applicable law.
- Storage of Materials.
  - a. The maximum quantity of solid waste stored at the facility pursuant to Section IV of this permit shall be limited to 22,000 gallons. For purposes of compliance with this permit, the following conversions shall be used:

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

Storage in other containers may be acceptable with Department approval.

b. Processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces.

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c. All processed and unprocessed solid wastes shall be stored within the Solids Storage and Sludge Separation Areas shown on Drawing 10-2 in the permit application.

## 7. Materials Processing.

- a. All materials shall be processed on impervious surfaces, or in tanks or containers.
- b. The owner or operator shall ensure that neither liquids nor solids are discharged outside the Solids Storage and Sludge Separation Areas (Drawing 10-2 in the permit application).
- c. Solid waste materials (liquids, sludges, solids, etc.) shall not be placed on the ground, asphalt or concrete areas at the site, but shall be managed within containers (drums, vac trucks, roll-offs, etc.) and/or processing tanks.
- d. Containers with processed waste shall be clearly labeled "Processed Solid Waste."
- e. The owner or operator shall ensure that the discharge pipe for the Oily Solids Batch Treatment Tank #111 discharges only into a suitable container, and does not discharge onto the ground or asphalt pavement.
- f. Equipment that is used for mixing solidification agents with the waste materials shall be decontaminated prior to removal from the Solid Waste Processing Area. The mixing activities shall be performed such that spillage of waste outside, and damage to, the storage container is prevented.
- g. Mixing operations shall not be conducted during inclement weather.
- h. The owner or operator shall conduct **monthly** inspections of the Solids Storage and Sludge Separation Areas. These inspections shall be recorded on an appropriate form, and shall document the conditions of storage containers, the pavement within the Solids Storage and Sludge Separation Areas, and the processing equipment. In the event that deficiencies are discovered (e.g. leakage), the corrective actions taken shall be noted on the inspection form.
- 8. Operation Plan and Operating Record. A copy of the Department approved permit, Operations Plan, construction reports and record drawings, Operations and Maintenance Manuals for the used oil processing facility and equipment, and supporting information shall be kept at the site or corporate offices at all times for reference and inspections.

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### 9. Waste Records.

- a. The owner or operator of the waste processing facility shall maintain at the site or corporate offices, and provide to the Department upon request, the following waste records (at a minimum, the most recent three years):
  - (1) The amount of waste received, stored, processed and disposed. The amount of such waste shall include: the quantities of drums received (gallons), an estimate of the percentage of solids and liquids in each drum, the quantities of bulk liquids received (gallons), the quantities of bulk solids received (tons), and the quantities of liquids (gallons) and solids (tons) disposed of, and stored onsite.
  - (2) The Waste Profile Form and associated analytical data, for each waste stream accepted at the facility.
  - (3) The pre-burn analyses, as required by 62-713, FAC, for each shipment (batch) of petroleum contaminated soil from each separate contaminated site which is received at the facility, for those materials which will be transferred to a permitted soil thermal treatment facility.
  - (4) The pre-acceptance analyses or written waste determination required by Attachment 4, Sampling and Analysis Plan and Attachment 5, Solid Waste Handling, of the permit application.
  - (5) Copies of any analyses required by a disposal facility as a condition of acceptance of the waste and documentation indicating the actual acceptance of the material at the disposal or treatment facility for each shipment from this permitted facility.
  - (6)Monthly Waste Inspection/Corrective Action Log (see Specific Condition IV.6.h.)
  - (7) Copies of permits for the facilities that receive the processed solids from this facility.
  - (8) Incident Reports (Table 6-2) in the permit application.
- b. The following information shall be <u>compiled monthly</u> and a summary submitted to the Department <u>quarterly</u>, by January 15th, April 15th, July 15th and October 15th of each year:
  - (1)A material balance including the quantities of drums received (gallons), an estimate of the percentage of solids and liquids in each drum received, the quantities of bulk liquids received (gallons), the quantities of bulk solids received (tons), and the quantities of liquids (gallons) and

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solids (tons) disposed of, and the quantity of liquids, solids and unprocessed drums stored onsite.

- (2) The name and location of the disposal or treatment facility for all solid wastes removed from the facility.
- 10. Drainage Requirements. All areas shall be cleaned at the end of each day's operation, or as needed, to prevent nuisance conditions, hazardous conditions, odor or vector problems. Floors and impervious areas shall be free of standing liquids. Except for discharges to permitted disposal facilities by approved methods, liquids shall not be discharged outside the Solid Waste Processing Area.
- 11. Closure Requirements. The facility owner or operator shall notify the Department of the facility's closure, no later than 180 days prior to the date when the facility is expected to close, as required by 62-701.700(3)(d), FAC. The facility shall be closed in accordance with 62-701.700(3)(d) FAC, and the Closure Plan, Attachment 10, of the permit application.
- 12. Financial Assurance. The owner or operator shall provide financial assurance for the materials processing facility in accordance with 62-701.700(4), FAC.
  - a. All costs for closure shall be adjusted and submitted annually, by the anniversary date of the permit issuance each year, to: Financial Assurance Coordinator, Pinellas County Solid Waste Department, 3095 114<sup>th</sup> Ave South, St. Petersburg, FL 33716 and one (1) copy shall be sent to: Solid Waste Section Manager, Department of Environmental Protection, Southwest District, 3804 Coconut Palm Drive, Tampa, Florida 33619. The closure cost estimates shall be signed and sealed by a registered professional engineer. The closure cost estimates shall be for the time in the operation when the closing is most expensive, and shall be based on a third-party performing the work.
  - b. Within sixty (60) days of issuance of this permit, the owner or operator shall submit initial proof of financial assurance issued in favor of the State of Florida and/or authorized, delegated local program, on appropriate forms, in the amount of \$58,760. Thereafter, proof that the financial mechanism has been funded adequately in the amount of the cost estimates required by Specific Condition IV.12.a shall be submitted annually to: Financial Assurance Coordinator, Pinellas County Solid Waste Department, 3095 114<sup>th</sup> Ave South, St. Petersburg, Fl. 33716 and one (1) copy shall be sent to: Financial Assurance Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, MS#4565, Tallahassee, Fl. 32399-2400.

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- 13. Facility Maintenance and Repair.
  - a. The site shall be properly maintained including maintenance of processing equipment, tanks, storage containers, containment systems, impervious surfaces and stormwater systems.
  - b. In the event of damage to any portion of the site facilities, failure of any portion of the associated systems, or any reportable "incident" or "discharge" (defined in Rules 62-761.200(2) and (40), FAC) outside of the solids waste processing area, the permittee shall immediately (within 24 hours) notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs or remediation. Written detailed notification shall be submitted to the Department within seven (7) days following the occurrence.
- 14. Control of Nuisance Conditions. The owner or operator shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance. The owner or operator shall control disease vectors so as to protect the public health and welfare.
- 15. Stormwater System. The site shall continue to have a stormwater management system operated and maintained in accordance with 62-330, FAC, and any other applicable Department or water management district rules.

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# PART V - CONTINGENCY PLAN

- 1. The facility shall be operated and maintained to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to the air, soil, or surface water that could threaten human health or the environment.

  [§279.52(a)(1)]
- 2. The permittee shall comply with the following conditions concerning preparedness and prevention:
  - a. At a minimum, the permittee shall have the following equipment available at the facility (in addition to items described in Item 7.2 of the Preparedness and Prevention Plan in Attachment 7 of the application, which may be at the facility dependent on availability):

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

- b. The permittee shall test and maintain the equipment specified in the Preparedness and Prevention Plan as necessary to assure its proper operation in time of emergency.
- 3. The permittee shall inspect the facility operating, emergency and safety equipment in accordance with §279.52(a)(3).
- 4. All personnel involved in the management of used oil must have immediate access to an internal alarm or emergency communication device whenever used oil is being poured, mixed, spread, or otherwise handled as described in \$279.52(a)(4).
- 5. The permittee shall maintain adequate aisle space as required by \$279.52(a)(5).
- 6. The permittee shall post at conspicuous locations at the facility information on emergency equipment and evacuation routes as outlined in the Contingency Plan (Attachment 8) of the permit application.

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- 7. The Contingency Plan shall be immediately amended and distributed to the appropriate agencies if any criteria of \$279.52(b)(4) are met.
- 8. The permittee shall immediately carry out the Emergency
  Procedures as described within the Contingency Plan of the application whenever there is a release, fire, or explosion that threatens or could threaten human health or the environment [§279.52(b)(6)].
- 9. The permittee shall give proper notification to the Department if an emergency situation arises, and within 15 calendar days, must submit to the Department a written report which includes all information required in \$279.52(b)(6)(ix).

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

### PART VI - TRAINING

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

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#### PART VII - CLOSURE

- 1. The permittee shall have a written closure plan as required by \$279.54(h) and 62-710.800(9), FAC. The closure plan and all revisions to the plan must be kept at the facility until closure is completed, certified and accepted by the Department.
- 2. The permittee shall amend the closure plan in accordance with 62-710.800(9)(b), FAC, whenever necessary. The closure plan amendment shall be submitted as a permit modification and certified pursuant to Specific Condition I.4.
- 3. The permittee shall close the facility as described in the Closure Plan of the permit application, unless the plan is modified as described in Specific Conditions VII.2 and VII.7.
- 4. The permittee shall manage materials generated during closure (solid and liquid decontamination residues and contaminated soils) based upon a waste classification in accordance with §262.11.
- 5. The permittee shall demonstrate that the facility has met the requirements of 62-710.800(9), FAC, by showing the following:
  - a. The permittee will have demonstrated that used oil has not contaminated surface or ground water after completion of closure activities [62-710.800(9)(a)(2), FAC] when contaminant concentrations in the liquid decontamination residues (e.g., facility and equipment wash-down rinsate) do not exceed applicable groundwater cleanup target levels (GCTLs) identified in 62-777, FAC, and contaminant concentrations in soils at the site do not exceed applicable leachability values identified in 62-777, FAC.
  - b. In order for the permittee to receive a "No Further Action" (NFA) determination or a Site Rehabilitation Completion Order (SRCO) from the Department for the facility, soils must also either meet applicable soil cleanup target levels (SCTLs) identified in 62-777, FAC or otherwise demonstrate that the soil's risk to groundwater, surface water or public health have been managed specifically for this site.
- 6. The permittee shall analyze all samples for target parameters using appropriate methods from <u>Test Methods for Evaluating Solid</u> Waste (EPA SW-846), latest edition.
- 7. The permittee shall notify the Department at least sixty (60) days prior to the date they expect to begin closure and submit a complete revised closure plan and a request for permit modification with appropriate permit modification fee. [62-710.800(6) and (9), FAC]
- 8. Within thirty (30) days after completion of closure, the permittee shall certify that the facility has been closed in

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accordance with the specifications in the closure plan of the permit application.

- 9. Within ninety (90) days of determining that all contaminated soils cannot be practically removed, the permittee shall submit a hazardous waste permit application to close the tank system(s) and perform post-closure care in accordance with the closure and post-closure care requirements of \$265.310 that apply to hazardous waste landfills. [\$279.54(h)(1)(ii)]
- 10. In the event that facility closure occurs prior to Stateimplemented cleanup, discharges at the property of petroleum or petroleum products that have been found eligible for cleanup under the Petroleum Cleanup Participation Program, 376.3071(13), FS, shall be addressed in accordance with the terms of that program, notwithstanding any provision of this permit. As provided by 376.308(5), FS, "Effective July 1, 1996, and operating retroactively to March 29, 1995, notwithstanding any other provision of law, judgement, consent order, order, or ordinance, no person who owns or operates a facility or who otherwise could be responsible for costs as a result of contamination eligible for restoration funding from the Inland Protection Trust Fund shall be subject to administrative or judicial action, brought by or on behalf of the state or any local government or any other person, to compel rehabilitation in advance of commitment of restoration funding in accordance with a site's priority ranking pursuant to s. 376.3071(5)(a) or to pay for the costs of rehabilitation of environmental contamination resulting from a discharge of petroleum products that is eligible for restoration funding from the Inland Protection Trust Fund."

Issued	this	day	of	,	200

Deborah A. Getzoff
Director of District Management
Southwest District

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