



Florida Department of Environmental Protection

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Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

September 7, 2017

Arthur T. Hagan, President
Hagan Holding Company d/b/a
Howco Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713
E-mail: thagan@howcousa.com

Re: Compliance Assistance Offer
Howco Environmental Services – Fort Myers
HW Facility ID No. FL0001000611
Lee County

Dear Mr. Hagan:

An inspection was conducted at your facility on August 10, 2017. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving this matter.

Specifically, potential non-compliance with the requirements of Chapter 403, Florida Statutes, Chapter 62-710, Florida Administrative Code and 40 Code of Federal Regulations Part 279 were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the item of concern noted and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your facility to discuss the item of concern.

It is the Department's desire that you are able adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Karen Bayly of the South District Office at 239-344-5616 or via e-mail at Karen.Bayly@dep.state.fl.us. We look forward to your cooperation with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer L. Carpenter". The signature is written in a cursive style with a horizontal line underneath the name.

Jennifer Carpenter, Assistant Director
South District

Enclosure: Inspection Report

cc: Bruce and Candace Ryan, Ryan Tire & Petroleum nonox1@msn.com (w/inspection report)
Richard Dillen, Howco Environmental Services rdillen@howcousa.com (w/inspection report)
Greg Bradley, Howco Environmental Services gregbradley@howcousa.com (w/inspection report)



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Howco Environmental Services

On-Site Inspection Start Date: 08/10/2017

On-Site Inspection End Date: 08/10/2017

ME ID#: 61495

EPA ID#: FL0001000611

Facility Street Address: 2650A Edison Ave, Fort Myers, FL 33916-5306

Contact Mailing Address: 3701 Central Ave, St Petersburg, FL 33713

County Name: LEE

NOTIFIED AS:

Non-Handler

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Transfer Facility facility

Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Karen R. Bayly, Environmental Consultant

Other Participants: Mr. Ryan, Property Owner

LATITUDE / LONGITUDE: Lat 26° 37' 59.1026" / Long 81° 51' 31.8512"

SIC CODE: 2911 - Manufacturing - petroleum refining

TYPE OF OWNERSHIP: Private

Introduction:

A compliance evaluation was conducted at Howco Environmental Services (facility) on August 10, 2017. The following is a summary of my observations.

A file review reflects the facility is currently registered with FDEP as a used oil transporter for hire, transfer facility, filter transporter and filter transfer facility. The registration expires on 6-30-18. The facility submitted a Certificate of Liability Insurance Acord on 7-17-17 which was issued on 6-28-17 and expires on 6-28-18.

The storage tank system (Facility ID 9300283) was last inspected by Lee County Division of Natural Resources on 9-29-15. According to the storage tank registration, Howco Environmental Services is the owner/operator of four aboveground steel storage tanks installed within secondary containment on 5-1-93. Storage Tank Registration Placard No. 497444, issued 4-23-17/expires 6-30-18 reflects there are three regulated substance containing tank systems.

The facility was last inspected by FDEP hazardous waste on 8-9-12.

According to previous inspection reports, this facility has been operating at this location since 1991. The property is owned by Bruce & Candace Ryan; and Howco leases a portion of the bulk storage area from Ryan Petroleum.

All records associated with the facility are maintained at Howco Environmental Services in St. Petersburg, FL. Prior to the inspection, Greg Bradley, Operations Manager, was contacted regarding the inspection. Mr. Bradley granted me permission to conduct the inspection, unescorted, and agreed to provide all requested documentation by e-mail. Upon arriving at the facility, I met with Mr. Ryan of Ryan Petroleum and reviewed the purpose of the inspection with him. It was discussed that Greg Bradley was aware of the inspection and had granted me permission to conduct the inspection. Mr. Ryan concurred with granting me access and

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permission to conduct the inspection.

Mr. Ryan indicated that the Howco tanks are situated on two layers of poured concrete. A file review reflects Howco provided documentation on 2-22-01 stating that the area beneath the gravel of each storage tank is poured concrete on top of poured concrete related to the larger containment area. Additional documentation reflects that the tank farm concrete surfaces were sealed and rendered impervious to any potential releases and that an interior lining system was installed inside the base and walls of each tank in April/May 2001. Further review reflects FDEP recommended opening the concrete ring surrounding each storage tank to prevent rainwater from accumulating under the tanks and allowing drainage away from the gravel/tanks after rain events.

Process Description:

The facility primarily operates as a used oil and used oil filter transporter and transfer facility. Used oil, used oil filters, used antifreeze and oily water is picked up from generators and transported to this site for consolidation and eventual transport to the Howco facility in St. Petersburg, FL (EPA ID No. FLD152764767). According to Mr. Bradley, the facility maintains one truck and one driver for pick-ups. The truck has three compartments: 3,000-gallons for used oil, 1,000-gallons for used antifreeze, and 1,000 gallons for oily water. The truck is also equipped to transport used oil filter drums. According to Mr. Bradley, the transporter registration form and EPA identification number are maintained in the truck. It was indicated that the facility picks up approximately 12,000-15,000 gallons of fluids per week.

At the time of the inspection, the truck and driver were not at the facility. According to Mr. Bradley, the truck is off-loaded every day and pumped into the specified tanks. The driver offloads waste fluids by connecting a hose to a valve header which is situated within the containment structure. According to Mr. Bradley, the driver places a bucket beneath the hose to catch any drips outside the containment structure. What appeared to be staining was noted on the outside of the containment structure wall directly beneath the valve header (see photo). Beneath the valve header is a metal box to collect drips, etc. from the hoses. Drivers open the lid when loading/off-loading fuel. At the time of the inspection the lid was on the box which prevents rainwater from collecting and was not inspected. Fluids that collect in the box are removed and managed.

A closed, blue 55-gallon drum labeled 'Fort Myers yard waste' was noted outside the containment structure and approximately 1/3-full of used absorbent pads and trash (see photos). According to Mr. Bradley, absorbent pads are used to cleaning hands, trailer, etc. and for managing drips. Drums of used absorbent are transported to the Howco St Petersburg facility for disposal.

Also noted outside the containment structure was one approximate 200-gallon aboveground storage tank labeled 'empty' and a closed 55-gallon drum labeled 'new abs for yard use' (see photos). The storage tank appeared empty. Two empty closed 5-gallon buckets and an open two-gallon bucket approximately 1/4-full of what appeared to be rainwater was noted beneath the staircase leading into the containment structure (see photos).

Each storage tank is a vertical aboveground, single-walled tank that is 20,000-gallons in capacity. The tanks are labeled according to the contents and numbered 1-4. Tanks 1 and 2 are labeled 'used oil'; tank 3 is labeled 'PPW' and tank 4 is labeled 'A/F' (see photos). According to Mr. Bradley, tank 3 contains petroleum, product and water (oily water), and tank 4 contains used antifreeze. It was discussed following the inspection that the tanks should be labeled with words identifying the contents. According to Mr. Bradley, waste fluids are transported weekly from this facility to the Howco St. Petersburg facility where the used oil is recycled and sold as burner fuel, used antifreeze is recycled, and oily water is separated, treated and either discharged to the city or burned. Mr. Bradley estimated that bulk loads are transported to the St. Petersburg facility anywhere from once every 10 days to three times a week depending on driver availability.

According to previous inspection reports, 'each storage tank is equipped with a sensor system, which sound an alarm if the tank is too full (approximately 2-feet from the top of the tank). Drivers physically check the levels inside the tanks daily with a yellow measuring stick prior to off-loading fluid. The tank system is designed so that if one overflows, it would flow into another tank via piping. The sensor system and probes are routinely inspected.' According to Mr. Bradley, he is not aware of any tank monitoring/sensor system but did confirm that tank levels are checked daily and the tank system is designed to prevent overflows via the piping system.

The four tanks are situated within a concrete secondary containment structure. The containment structure is

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part of a larger containment unit that includes fuel tanks owned/operated by Ryan Petroleum. According to Mr. Bradley, the containment structure for the four tanks is capable of containing 110% of the largest storage tank. A sump pump is situated at the southeast corner of the containment structure. According to Mr. Bradley, rainwater that collects in the containment structure is either pumped into the PPW storage tank or vacuumed up and placed in the truck and transported to St. Petersburg. The secondary containment structure was inspected. It appeared that a black coating/sealant has worn away and cracking in areas (see photos). According to a record review, it appears the facility most recently applied an impervious sealant in the secondary containment structure 2013. Following the inspection, Mr. Bradley was provided photos of the worn away and cracking sealant in the containment structure and indicated he would review with other Howco representatives and initiate a work order to address the issue.

55-gallon drums of used oil filters are stored inside a 53-foot trailer parked over broken/cracked concrete surface. According to Mr. Bradley, the trailer is swapped out when full. The trailer was not inspected however it appeared that all drums were closed and labeled. What appeared to be granular absorbent covered the floor of the trailer around the drums. According to Mr. Bradley, the drums are on a wood surface situated on top of the metal base of the trailer; and that the wood floor of all used oil filter storage trailers are coated with an impervious sealant. There were no discharges or discolored areas noted beneath the trailer. A closed 55-gallon drum labeled 'new abs' was observed behind the trailer.

Driver training records were provided following the inspection for Gregg Romanik and Steve Montgomery. Both drivers received DOT hazardous materials transportation training and received/reviewed Howco's driver manual on 1-13-17. The driver manual includes operating procedures and policies, equipment maintenance, used oil screening procedures, emergency response procedures, spill reporting and containment procedures, safety, etc. Mr. Bradley indicated that the manual is currently going through a revision and that all drivers will be signing off on the updated version soon. According to the manual, a spill kit is maintained in transportation vehicles and inspected daily. In addition, used oil is screened with halogen leak detectors (sniffers) that are serviced and calibrated by lab chemists monthly. Records of routine service/calibrations was provided. According to the records provided, the halogen leak detectors are serviced every 6 months. According to the manual, if the sniffer detects the presence of halogenated compounds >900 ppm, a Dexsil test (Chlor-D-Tect 1000) is conducted. If the results indicate less than 1000 ppm, the oil will be collected and documented. If the results indicate greater than 1000 ppm, the oil is rejected and a sample of the material is taken for further testing. The result is documented on the manifest. Mr. Bradley indicated that they have not detected any exceedances greater than 1000 ppm at this facility.

Acceptance and delivery records were provided by Mr. Bradley following the inspection. One delivery record (Ft. Myers to St. Petersburg) provided for 6800 gallons of used oil, dated 6-28-17, Invoice #0210856, was not signed; one 6000 gallon receipt for used antifreeze dated 3-13-17 was not signed; one 6000 gallon receipt for used oil dated 1-6-17 was signed 'NA'; one shipment of used oil filters and spent absorbent on 6-30-17 was signed 'NA'; and one shipment of used oil filters and spent absorbent on 3-17-17 was not signed. All acceptance and delivery records indicated 'halogen test: pass'.

The facility submitted an annual report on DEP Form 62-710.901(2) for 2016.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	279.45(e)(2)
Explanation:	Existing aboveground tanks used to store used oil at transfer stations must be equipped with a secondary containment system. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
	The black coating/sealant on the concrete floor of the containment structure is wearing away and cracking in areas.

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This violation was previously cited on 10-12-11 and 12-6-00.

The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water

Corrective Action: The entire containment structure needs to be resealed with an impervious sealant.

Photo Attachments:

Black coating/sealant worn off in containment structure



Black coating/sealant cracking in containment structure



PHOTO ATTACHMENTS:

Blue drum labeled 'Ft Myers yard waste'



Blue 55-gallon 'Ft Myers yard waste' drum



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Containers beneath staircase



Black coating/sealant wearing off



black coating/sealant cracking



sump pump



Used oil filter storage trailer



storage tanks



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hose and valve header



Black coating/sealant worn off in containment structure



Conclusion:

Regarding the staining noted on the outside of the containment structure directly beneath the valve header, drivers should be cautious when loading/off-loading fluids to prevent spills from occurring.

It is recommended to label tank 3 and tank 4 with words identifying their contents, 'petroleum product water' and 'used antifreeze'.

The facility should ensure that all acceptance/delivery records documenting the transportation and disposal of fluids are signed.

Please note that used oil transporters are required to maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training.

Please verify if the four storage tanks are equipped with a functioning tank monitoring/sensor system.

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1.0 - Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.12	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C.

Karen R. Bayly

Environmental Consultant

PRINCIPAL INSPECTOR NAME**PRINCIPAL INSPECTOR TITLE**

DEP

09/06/2017

PRINCIPAL INSPECTOR SIGNATURE**ORGANIZATION****DATE**

Mr. Ryan

Property Owner

Representative NAME**Representative TITLE**

Ryan Petroleum

ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:**Approver:**

Karen R. Bayly

Inspection Approval Date:

09/06/2017