



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr  
Secretary

November 17, 2011

## VIA ELECTRONIC MAIL



HOWCO Environmental Services  
c/o Dave Thompson  
2650A Edison Ave  
Fort Myers, FL 33916  
E-mailed to: [davethompson@howcousa.com](mailto:davethompson@howcousa.com)

RE: Lee County - HW  
HOWCO Environmental Services  
2650A Edison Ave.  
Fort Myers, FL  
EPA ID No. FL0001000611

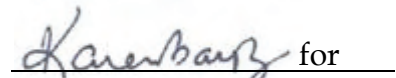
Dear Mr. Thompson:

A hazardous waste compliance evaluation inspection was conducted at the referenced facility on October 12, 2011. A copy of the inspection report is attached for your review. This inspection was conducted under the authority of Section 403.091, Florida Statutes and Chapter 403, Part IV, Florida Statutes, and is designed to ascertain the compliance status of your facility with 40 CFR 260-273 and 279, adopted in Florida Administrative Code (F.A.C.) Chapters 62-730, 62-737 and 62-710.

During the inspection, potential violations were noted. The enclosed inspection report provides explanations and corrective actions for the potential violations observed during the inspection. The *Comments* section offers recommendations to the facility to prevent future potential violation(s) with the Department or other government agencies, or help the facility improve its overall operations while protecting the environment. **Please respond to the Department within ten (10) days, documenting all corrective actions you have taken to address the potential violations along with the items listed in the *Comments* section of the inspection report.** Failure to address these issues may result in future violations of Department regulations and may subject the facility to enforcement action.

**Whenever possible, please submit written documentation to [Angelina.DuBois@dep.state.fl.us](mailto:Angelina.DuBois@dep.state.fl.us) or [Karen.Bayly@dep.state.fl.us](mailto:Karen.Bayly@dep.state.fl.us).** Please include the Facility ID number in your correspondence. If you have any questions, please feel free to call Angelina DuBois or Karen Bayly at (239) 344-5630 and (239) 344-5616 respectively, contact us via e-mail, or write to the letterhead address. Your cooperation in this matter is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen Bayly", is written over a horizontal line.

Charles Emery III  
Environmental Administrator

Enclosure  
CE/AVD/rcd



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

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**FACILITY INFORMATION:**

**Facility Name:** Howco Environmental Services

**On-Site Inspection Start Date:** 10/12/2011

**On-Site Inspection End Date:** 10/12/2011

**ME ID#:** 61495

**EPA ID#:** FL0001000611

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

**Contact Mailing Address:** 843 43rd St S, St Petersburg, Florida 33711-1922

**County Name:** Lee

**Contact Phone:** (813) 327-8467

**NOTIFIED AS:**

Non-Handler

Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Non-Handler facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Angelina DuBois, Environmental Specialist II

Other Participants: Dave Thompson; Noelle Landreneau, Intern

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

**SIC CODE:** 2911 - Manufacturing - petroleum refining

**TYPE OF OWNERSHIP:** Private

**Introduction:**

The last hazardous waste inspection the Department of Environmental Protection (Department) conducted at this facility was in October 2005. The facility has 1+ local employees, is associated with a larger facility in St. Petersburg, FL, and has been at this location since approximately 1991. The property is owned by Bruce & Candace Ryan.

The facility notified as a used oil and used oil filter transporter and used oil and used oil filter transfer site. This was confirmed at the time of the inspection. The facility generates used oil absorbent/debris. Used oil, used oil filters, used antifreeze, and used oil absorbent/pads/soil is removed from generators and taken to this site for consolidation and eventual transport to the main facility in St. Petersburg, FL (EPA ID No. FLD152764767).

**Process Description:**

We arrived at the site and reviewed the purpose of the inspection with Dave Thompson. Mr. Thompson granted access to the facility and escorted us throughout. All transporter and transfer facility records are stored at the mailing address in St. Petersburg.

The facility operates as a used oil and used oil filter transporter and transfer facility. Used oil, used oil filters, petroleum contact water, used antifreeze, and used oil absorbent/soil are removed from individual generators and consolidated at this location.

At the end of each day used oil, petroleum contact water, and used antifreeze are pumped into one of four specified tanks. Each tank is a vertical above-ground, single-walled tank that is 20,000-gallons in capacity. Each tank is labeled according to the contents and numbered 1-4. Tanks 1 &

Inspection Date: 10/12/2011

2 contain used oil, 3 contains petroleum contact water, and 4 contains used antifreeze. The tanks are measured in gallons per inch with 1" equaling 42-50 gallons depending on the tank. Each day the tanks are measured before and after fluids are deposited. At the time of the inspection, tank 1 contained 9'41/4" tank 2 contained 32'8" tank 3 contained 7'3/4" and tank 4 contained 13'81/4."

The secondary containment structure did not appear to be sealed with an oil-impermeable sealant. Upon review of the Lee County Tank Inspector's report for September 2011, the facility was cited with a potential violation for necessary repairs, including resealing of the secondary containment and repair/repainting of one of the tanks that was beginning to rust. The secondary containment is inside of a larger containment unit that includes tanks operated by Ryan Petroleum. A sump connects to the larger containment unit to be manually controlled in the event rainwater needs to be evacuated. There were no signs of discharges around the containment structure and no standing water was observed.

A spill kit is located in a drum outside of the used oil containment structure.

The collection truck is always stored empty and is parked on broken asphalt/gravel. Inside the passenger side compartment of the truck a 5-gallon, unlabeled bucket is stored for collection of used oil discharges that may occur from the pump. In another compartment on the other side of the truck, one length of absorbent boom was observed. There were no used oil spill pads, granulated absorbent, or other types of spill control equipment observed in the truck.

The insurance documents were reviewed and indicated the insurance for sufficient amounts and was up to date, expiring on 7/2/12.

Drums of used oil filters and used oil absorbent/soil are labeled according to their contents, dated for the pick-up date and manifest and stored in an enclosed tractor trailer onsite. The drums are closed and protected from the weather, however, the surface of the trailer is wooden and is not oil-impermeable. The trailer is parked on a broken asphalt/gravel surface with used oil discharges beneath it. Mr. Thompson indicated the trailer is not always parked in the same place and the staining on the ground may not be evident of a discharge from the trailer. The trailer was entered to inspect the drums and staining of used oil was observed on the wooden surface.

Documents supporting the certification program for used oil transporters were not available for review at the time of the inspection. Following the inspection, the documents were provided.

Transporter records were not available at the time of the inspection, however, following the inspection, the documents were brought to the Department's office for review. Records indicating removal from the generators, being transported to the facility as well as transfer records from the facility to the processing facility in St. Petersburg were reviewed. The following issues were found:

The EPA ID No. for the facility was incorrect on the generator copies, the transporter records, and the transfer documents.

The records for removal from individual generators to the transfer facility do not specify what facility the used oil is going to, all HOWCO facilities statewide are listed.

The signature of the generator is present, however there is no signature for the transporter.

The records for transferring the materials from the facility to the processing facility in St. Petersburg do not clearly indicate which facility is transporting the material. Signatures for the generator, transporter, and processing facility are not clearly distinguished.

## **New Potential Violations and Areas of Concern:**

### **Checklist Independent Potential Violations and Areas of Concern**

Type: Violation

Inspection Date: 10/12/2011

Rule: 279.46(b), 279.46(a)

**Explanation:** Used Oil Tracking. (a) Acceptance. Used oil transporters must keep a record of each used oil shipment accepted for transport. Records for each shipment must include: (1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (2) The EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (3) The quantity of used oil accepted; (4) The date of acceptance; and (5)(i) Except as provided in paragraph (a)(5)(ii) of this section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport. (ii) Intermediate rail transporters are not required to sign the record of acceptance. (b) Deliveries. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include: (1) The name and address of the receiving facility or transporter; (2) The EPA identification number of the receiving facility or transporter; (3) The quantity of used oil delivered; (4) The date of delivery; (5)(i) Except as provided in paragraph (a)(5)(ii) of this section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport. (ii) Intermediate rail transporters are not required to sign the record of acceptance.

The records provided following the inspection did not meet the criteria as listed above.

**Corrective Action:** Within 10 days, provide documentation to the Department that the records now meet the criteria listed above or that the facility has obtained approval from the Department's Used Oil Program to use the existing record keeping method.

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**Type:** Violation

**Rule:** 62-710.850

**Explanation:** Used Oil Filter Prohibition. The general requirements for the storage of used oil filters is as follows: All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.

The used oil filter drums are stored on a wooden surface that is over a broken asphalt/gravel surface, neither of which is oil-impermeable.

**Corrective Action:** Within 10 days, provide documentation to the Department indicating how the used oil filters are stored, to comply with the above listed requirements.

**Attachments:**

Inspection Date: 10/12/2011

## Used Oil Filter Storage



## Used Oil Filter Storage



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Type: Violation

Rule: 279.22

Explanation: Response to Releases, upon detection of a release of used oil to the environment, a generator must perform the following cleanup steps: (1) stop the releases (2) contain the released used oil (3) clean up and manage properly the released used oil and other materials (4) if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

The used oil filter trailer is parked on a broken asphalt/gravel surface with used oil discharges beneath it.

Corrective Action: Within 10 days, provide documentation to the Department that all discharges of used oil are cleaned up and if necessary, medium contaminated with used oil is excavated and properly disposed.

**Attachments:**

## Used Oil Discharge



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Type: Violation

Rule: 279.45(e)(2)

Explanation: Used Oil Tank Containment Area. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil release into the containment system from migrating out of the system to the soil, groundwater, or surface water.



Inspection Date: 10/12/2011

The containment structure did not appear to be sealed with an oil impermeable sealant. Upon review of the Lee County Tank Inspector's report, for Facility ID No. 9300283, this was cited during the September 2011 inspection. The facility will need to repair the secondary containment area and tank as specified.

Corrective Action: Within 10 days, provide documentation to the Department that the above listed corrections have been made.

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Type: Violation

Rule: 62-710.510

Explanation: Record Keeping and Reporting (1) Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information: (a) The name, business address, telephone number and EPA identification number of the transporter; (b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one; (c) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment; (d) The type of used oil received, using the type code designation found in the form instructions; (e) The date of receipt; (f) The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and (g) Documentation of halogen screening in accordance with the requirements of Rule 62-710.600, F.A.C. (2) Transporters shall maintain documentation of all shipments of used oil, including those accepted for transport as well as those refused due to suspected mixing with hazardous waste. A copy of this record shall be left with the generator. (3) A generator of used oil that transports only its own used oil generated at its own non-contiguous operations to its own central collection facility for storage prior to having its used oil picked up by a certified used oil transporter is not subject to the record keeping and reporting requirements of this section. (4) The records required by this section shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours, unless another location and inspection schedule is specified in the registration package submitted to the Department. (5) No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3). The report shall summarize the records kept pursuant to this section. (6) No later than July 1 of each year, each public used oil collection center shall submit to the Department an estimate of the quantity of used oil accepted from the public during the previous calendar year. The Department shall advise each public used oil collection center of this requirement by June 1 of each year.

The records provided for review following the inspection did not meet the requirements of this section.

Corrective Action: Within 10 days, provide documentation to the Department that the records now meet the criteria listed above or that the facility has obtained approval from the Department's Used Oil Program to use the existing record keeping method.

Inspection Date: 10/12/2011

**Summary of Potential Violations and Areas of Concern:**Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations 279.46(b), 279.46(a)		10/12/2011	<p>Used Oil Tracking. (a) Acceptance. Used oil transporters must keep a record of each used oil shipment accepted for transport. Records for each shipment must include: (1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (2) The EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport; (3) The quantity of used oil accepted; (4) The date of acceptance; and (5)(i) Except as provided in paragraph (a)(5)(ii) of this section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport. (ii) Intermediate rail transporters are not required to sign the record of acceptance. (b) Deliveries. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include: (1) The name and address of the receiving facility or transporter; (2) The EPA identification number of the receiving facility or transporter; (3) The quantity of used oil delivered; (4) The date of delivery; (5)(i) Except as provided in paragraph (a)(5)(ii) of this section, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport. (ii) Intermediate rail transporters are not required to sign the record of acceptance.</p>

The records provided following the inspection did not meet the criteria as listed above.

62-710.850

10/12/2011

Used Oil Filter Prohibition. The general requirements for the storage of used oil filters is as follows: All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and



Inspection Date: 10/12/2011

Rule Number	Area	Date Cited	Explanation
			<p>which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.</p> <p>The used oil filter drums are stored on a wooden surface that is over a broken asphalt/gravel surface, neither of which is oil-impermeable.</p>
279.22		10/12/2011	<p>Response to Releases, upon detection of a release of used oil to the environment, a generator must perform the following cleanup steps: (1) stop the releases (2) contain the released used oil (3) clean up and manage properly the released used oil and other materials (4) if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.</p> <p>The used oil filter trailer is parked on a broken asphalt/gravel surface with used oil discharges beneath it.</p>
279.45(e)(2)		10/12/2011	<p>Used Oil Tank Containment Area. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil release into the containment system from migrating out of the system to the soil, groundwater, or surface water.</p> <p>The containment structure did not appear to be sealed with an oil impermeable sealant. Upon review of the Lee County Tank Inspector's report, for Facility ID No. 9300283, this was cited during the September 2011 inspection. The facility will need to repair the secondary containment area and tank as specified.</p>
62-710.510		10/12/2011	<p>Record Keeping and Reporting (1) Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information: (a) The name, business address, telephone number and EPA identification number of the transporter; (b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one;</p>

Inspection Date: 10/12/2011

Rule Number	Area	Date Cited	Explanation
			<p>(c) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment; (d) The type of used oil received, using the type code designation found in the form instructions; (e) The date of receipt; (f) The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and (g) Documentation of halogen screening in accordance with the requirements of Rule 62-710.600, F.A.C. (2) Transporters shall maintain documentation of all shipments of used oil, including those accepted for transport as well as those refused due to suspected mixing with hazardous waste. A copy of this record shall be left with the generator. (3) A generator of used oil that transports only its own used oil generated at its own non-contiguous operations to its own central collection facility for storage prior to having its used oil picked up by a certified used oil transporter is not subject to the record keeping and reporting requirements of this section.</p> <p>(4) The records required by this section shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours, unless another location and inspection schedule is specified in the registration package submitted to the Department. (5) No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3). The report shall summarize the records kept pursuant to this section. (6) No later than July 1 of each year, each public used oil collection center shall submit to the Department an estimate of the quantity of used oil accepted from the public during the previous calendar year. The Department shall advise each public used oil collection center of this requirement by June 1 of each year.</p>

The records provided for review following

Inspection Date: 10/12/2011

Rule Number	Area	Date Cited	Explanation
			the inspection did not meet the requirements of this section.

Areas of Concern

No Areas of Concern

**COMMENTS:**

11/10/2011

## Recommendations and Areas of Concern:

It should be noted that the Department's efforts in listing areas of concern to a facility is an attempt to help that facility to either avoid a future potential violation with the Department or other government agencies, or help the facility improve its overall operations while protecting the environment.

1. Pursuant to 40 C.F.R. 279.43(c) A transporter must clean up any used oil discharge that occurs during transportation or take such actions as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment (e.g. notify local authorities, dike the discharge, etc). The quantity of boom in the truck at the time of the inspection did not appear to be sufficient to ensure containment/clean-up (a single segment of boom). It is recommended the transporter vehicle is equipped with enough boom to contain a discharge.

2. It is recommended that the facility re-evaluate how each HOWCO facility is notified with the Department. HOWCO may consider establishing one facility as a transporter and any subsidiaries as transfer and/or processing facilities only. This would assist with record keeping requirements, etc.

Inspection Date: 10/12/2011

**Signed:**

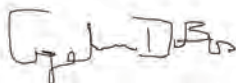
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection 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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Angelina DuBois

**PRINCIPAL INSPECTOR NAME**

Environmental Specialist II

**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

11/16/2011

**DATE**

Noelle Landreneau

**INSPECTOR NAME**

Intern

**INSPECTOR TITLE**

NO SIGNATURE

**INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

Dave Thompson

**REPRESENTATIVE NAME**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

HOWCO Environmental Services

**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.