



Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Charlie Crist
Governor

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Lt. Governor

Michael W. Sole
Secretary

JAN 13 2010

E-CERTIFIED MAIL NO. 91 7108 2133 3936 4225 5284
RETURN RECEIPT REQUESTED

Ms. Catherine A. McCord, Vice President
Environmental Health and Safety
Heritage - Crystal Clean, LLC
2175 Point Blvd, Suite 375
Elgin, Florida 60123

Re: Heritage - Crystal Clean, LLC
11643 103rd St, Jacksonville, FL 32221
Warning Letter WL09-2446HWSNY16NED
EPA/DEP ID: FLR 000 154 278
Duval County - Hazardous Waste

Dear Ms. McCord:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A hazardous waste program compliance inspection conducted on June 1, 2009, indicates that violations of Florida Statutes and Rules may exist at your facility. Florida Department of Environmental Protection (DEP) personnel made observations described in the attached inspection report. The "Summary of Potential Violations and Corrective Actions" section of the report lists the alleged violations.

Section 403.727, Florida Statutes, provides that it is a violation to fail to comply with rules adopted by the DEP. The activities observed during the DEP's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Rules should be ceased.

You are requested to contact Jenna Perry at 904.807.3382 within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The DEP is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. If after further investigation, the DEP's preliminary findings are verified, this matter may be resolved through the entry of Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the DEP's costs and expenses. In accordance with Section 403.727(3), Florida Statutes, the penalties, which could be assessed in hazardous waste cases, are up to \$50,000 per day per violation. DEP costs are a minimum of \$250.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through a timely entry of a Consent Order, under the DEP's agreement with the EPA, a formal referral for judicial action must be made to the DEP's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,


Michael J. Fitzsimmons, Administrator
Waste Program

MJF:jp

cc: City of Jacksonville

Enclosure



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Heritage - Crystal Clean LLC

On-Site Inspection Start Date: 06/01/2009

On-Site Inspection End Date: 06/01/2009

ME ID#: 89575

EPA ID#: FLR000154278

Facility Street Address: 11643 103rd St, Jacksonville, Florida 32210-8686

Contact Mailing Address: 2175 Point Blvd #375, Elgin, Illinois 60123-9211

County Name: Duval

Contact Phone: (847) 783-5949

NOTIFIED AS:

Non-Handler

Transfer Facility

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Non-Handler facility

Routine Inspection for Hazardous Waste Transfer Facility

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for Used Oil Transfer Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Jenna Perry, Environmental Specialist III

Other Participants: Troy Strause, Branch Manager

LATITUDE / LONGITUDE: Lat 30° 14' 49.6256" / Long 81° 51' 31.0079"

SIC CODE: 5084 - Wholesale trade - industrial machinery and equipment

TYPE OF OWNERSHIP: Private

Introduction:

Heritage - Crystal Clean, LLC (HCC) was inspected on June 01, 2009, as an announced hazardous waste compliance evaluation inspection. Two locations were inspected on this day, HCC's new facility at 11643 103rd Street, Jacksonville (FLR 000 154 278), and HCC's old location at 833-B Pickettville Road, Jacksonville (FLR 000 142 174). HCC has never before been inspected at either location and is currently operating at its new facility at 11643 103rd Street as a hazardous waste transporter/transfer facility, a used oil transporter/transfer facility, a used oil filter transporter, and a universal waste transporter. HCC no longer occupies space at its old location on Pickettville Road, but was previously operating there as a hazardous waste transporter/transfer facility, used oil transporter, and universal waste transporter. According to Mr. Troy Strause, Jacksonville Branch Manager, HCC began operations at its new location approximately three months prior to the inspection. Mr. Strause was present throughout the inspection.

Process Description:

HCC is an environmental services company, which offers parts washer servicing, hazardous and non-hazardous waste collection, and used oil and used oil filter collection.

HCC provides solvent and aqueous parts washers and other cleaning machines, such as paint gun cleaners and immersion cleaners, for sale or lease to their customers. HCC offers two types of parts washers, the first

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has a 142° F flash point solvent and is referred to as "high flash non-hazardous solvent" by HCC. According to Mr. Strause, this solvent is collected from customers and is then shipped somewhere to be "recycled" and then sold back to the customer as new solvent. The other parts washer has a 106° F flash point solvent and is on HCC's "re-use" policy. According to Mr. Strause, HCC's Jacksonville branch is currently only providing the "high flash non-hazardous" solvent to its customers.

Containers of hazardous waste and containers of non-hazardous high flash mineral spirits picked up from HCC's customers are transferred directly from the route trucks onto an unhitched storage trailer. At least every ten days, trailers with new product and supplies are brought into the facility, and the waste trailers are attached to the truck cab and transported to HCC's hub in Atlanta, Georgia. The 103rd Street facility includes some office and warehouse space, but no transfer operations or storage takes place inside the building. All of the facility's employees are dispatched on service routes for the majority of the day.

The facility is surrounded on three sides (east, west, and north) by trees and on the south side of the facility by a fence. The facility provides no surveillance, and the entrance gate remains open during business hours, even when no HCC employees are present on-site. The entrance gate is locked at night. Failure to provide 24-hour surveillance or a physical barrier or fence which completely surrounds the active portion of the facility is a violation of [40 CFR 265.14\(a\)](#). The facility failed to post the appropriate warning signs on the south fence, which is a violation of [40 CFR 265.14\(c\)](#).

There were three semi-trailers present during the inspection, two of which contained product and supplies. The third trailer contained non-hazardous wastes for disposal. No hazardous wastes were present on-site during the inspection; however, hazardous wastes are frequently on-site. The trailers were parked on the south side of the facility parallel to the fence. According to the Duval County Property Appraisers website, the property line runs just north of this area, between the fence and the building, and the storage trailers appear to be on City of Jacksonville property (*Photo 1*) (Attachment 1 - Property Line Map). The storage of ignitable waste within 50 feet from the property line is a violation of [40 CFR 265.176](#). The facility did not post the required "No Smoking" signs in the waste storage area, which is a violation of [40 CFR 265.17\(a\)](#). A copy of this report will be provided to the City of Jacksonville.

Used oil and used oil filters are also accepted from customers. Used oil is pumped onto a vac-truck, which remains on-site until it is nearly full. The used oil is then transported to 116 Druid Street in Jacksonville, where it is loaded onto a rail car and shipped to HCC's Atlanta hub.

RECORD REVIEW:

Hazardous wastes are accepted from customers, regardless of their generator size. According to Ms. Catherine McCord, Vice President of EHS for HCC, Conditionally Exempt Small Quantity Generators (CESQGs) sign a certification form for HCC to validate that they are operating as a CESQG. Hazardous wastes from CESQGs are shipped on bills of lading rather than hazardous waste manifests. Hazardous wastes from Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs) are shipped on the standard universal hazardous waste manifests. Bills of lading are also used to transport non-hazardous wastes.

Hazardous waste and used oil records were not easily reviewed due to the fact that HCC does not keep manifests and bills of lading on-site. These documents are sent to HCC's corporate office in Elgin, Illinois, for scanning and input into the facility's database. Mr. Strause was asked to pull up several documents in this database, however, he was only able to retrieve a small number of them.

HCC is currently operating as a hazardous waste transfer station. HCC sent its transfer facility notification form and packet to the DEP in March of 2009, and began operating at about the same time. The facility has provided some additional information in response to DEP's requests, but, as of the mailing of this report, the DEP has not given HCC confirmation that the notification package

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for this location is complete and technically adequate. Operation of a 10-Day transfer station without receiving that confirmation from the DEP is a violation of [Rule 62-730.171\(3\), FAC](#).

HCC was maintaining a waste log at both of its Jacksonville transfer stations. The log used at this location since operation began in March 2009, did not include the generator's EPA ID number, which is a violation of [Rule 62-730.171\(6\), FAC](#). While the log did include the date that the waste came into the facility and the date that it was shipped out, the date did not include the year. [This is an area of concern](#). HCC should include the full date on all log entries in the future. Prior to May 21, 2009, the log used by the facility did not include the generator's name and EPA ID number [[Rule 62-730.171\(6\), FAC](#)].

HCC did not have a written inspection schedule that meets the requirements of [40 CFR 265.15](#). The facility was completing a daily hazardous waste container storage inspection checklist only.

The facility did not have a Contingency Plan on-site at the time of the inspection. According to Mr. Strause, the Contingency Plan is kept on the trucks, and he could not locate a copy in the office. Failure to maintain a copy of the Contingency Plan on-site is a violation of [40 CFR 265.53\(a\)](#). During a follow-up visit to the facility on 6/15/09, it was noted that a copy of the Plan had been posted in the main office. A review of this plan showed that it did not include a list of all emergency equipment at the facility, neither did it include an evacuation plan with signals. Failure to maintain a complete Contingency Plan is a violation of [40 CFR 265.52\(e\) and \(f\)](#). The emergency coordinator listed in the Plan was Troy Strause. The "assistant" emergency coordinator was listed as Billy Hurin, who is the HCC Regional Manager who lives in South Carolina. Failure to have an alternate emergency coordinator who is available to respond to an emergency and who can reach the facility within a short period of time is a violation of [40 CFR 265.55](#). At the time of the inspection, the facility's Contingency Plan had not been distributed to local authorities, which is a violation of [40 CFR 265.53\(b\)](#). After the inspection, Seyfarth Shaw LLP, attorneys for HCC, submitted additional information to the DEP on 11/18/09, as part of its hazardous waste transfer facility notification, which included an updated Contingency Plan for the 103rd Street facility. This Plan included a list of emergency equipment and an evacuation plan. It is unknown whether this updated plan has been installed at the 103rd Street facility. The submittal also showed that HCC has sent a copy of its Plan to local authorities.

At the time of the inspection, no emergency arrangements had been made with local authorities, which is a violation of [40 CFR 265.37](#). After the inspection, Seyfarth Shaw LLP submitted additional information to the DEP on 11/18/09, as part of its hazardous waste transfer facility notification, which included emergency arrangements letters that were sent by HCC to local authorities on 08/28/09.

Although they were requested several times, training materials and records for HCC employees were not provided to the DEP. Failure to maintain personnel training documentation is a violation of [40 CFR 265.16\(d\)](#).

The facility is also operating as a used oil transporter/transfer facility; however, it has not notified the DEP that it is operating a used oil transfer station at this location, which is a violation of [Rule 62-710.500\(1\)\(a\), FAC](#).

Used oil transporters are required to determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. The transporter must also make a record of analyses conducted and retain these records for at least three years. HCC failed to mark the results of a Chlor-D-Tect test on one used oil acceptance record from Southeastern Metals on 5/27/09, which is a violation of [40 CFR 279.44\(d\)](#).

HCC was not maintaining used oil records on FDEP form 62-710.901(2) or on a substantially equivalent form which contains the same information as the DEP form, which is a violation of [Rule 62-710.510\(1\), FAC](#).

Heritage - Crystal Clean, LLC, is currently operating as a hazardous waste transporter/transfer facility, a used oil transporter/transfer facility, a used oil filter transporter, and a universal waste transporter at its 103rd Street location. The facility has been assigned the EPA ID number FLR 000 154 278. Please use this number on all correspondence with the DEP.

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Area of Concern:

The waste logs did not include the full date for waste brought into the facility and for waste shipped out of the facility. HCC should begin documenting the full date, including month, day, and year, on these logs.

New Potential Violations:**Transporter / Transfer Facility**

Rule: 40 CFR 265.14(a)

Type: Violation

Question: Is the facility security system adequate to minimize unauthorized entry?

Explanation: The facility failed to provide adequate security that includes 24-hour surveillance or fence which completely surrounds the active portion of the facility and a means to control entry to the active portion at all times.

Corrective Action: In order to return to compliance, the facility should erect physical barriers that minimize the possibility of unauthorized entry to the area where hazardous waste is stored. The physical barrier should completely surround the active portion of the facility. In addition, the facility should install a means to control entry, at all times, through the gates or other entrances to the active portion of the facility.

Type: Violation

Rule: 40 CFR 265.14(c)

Question: Are signs posted and legible for 25 feet?

Explanation: The facility failed to post signs that indicate only authorized personnel are allowed and that entry to the area may be dangerous.

Corrective Action: In order to return to compliance, HCC should post signs at the facility in accordance with the specifications found in 40 CFR 265.14(c).

Type: Violation

Rule: 40 CFR 265.15

Question: Does the facility have a copy of the Inspection Plan?

Explanation: The facility failed to develop an inspection schedule for areas subject to spills when hazardous waste is present at the facility. In addition, the inspections checklists did not identify the name of the inspector in the log.

Corrective Action: In order to return to compliance, the facility should develop an inspection schedule for areas subject to spills when hazardous waste is present at the facility and log the results. The results should be maintained at the facility for a period of not less than three years. A record of the log should include the date

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and time of the inspection, the name of the inspector, observation notes, and the date and nature of any repairs.

Type:	Violation
Rule:	40 CFR 265.17(a)
Question:	Are "No Smoking" signs posted in the area?
Explanation:	The facility failed to post "No Smoking" signs in the area where it parks the trailer it uses to store and transport hazardous waste.
Corrective Action:	In order to return to compliance, the facility should post "No Smoking" signs in a conspicuous location around the area where the trailer is parked and keep the waste separated from possible sources of ignition.

Type:	Violation
Rule:	40 CFR 265.37(a)(1)
Question:	Has the owner/operator made arrangements with the local authorities to familiarize them with characteristics of the facility? (Layout of facility, properties of hazardous waste handled and associated hazards, places where facility personnel would normally be working, entrances to roads inside facility, possible evacuation routes.)
Explanation:	At the time of the inspection, the facility had not made emergency arrangements with local authorities.
Corrective Action:	No further action is required. After the inspection, Seyfarth Shaw LLP, attorneys for HCC, submitted additional information to the DEP on 11/18/09, as part of its hazardous waste transfer facility notification, which included emergency arrangements letters sent to local authorities on 08/28/09.

Type:	Violation
Rule:	40 CFR 265.176
Question:	Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line?
Explanation:	The facility's storage and waste trailers do not appear to be within the property lines, according to the Duval County Property Appraiser's website.
Corrective Action:	The facility should provide a site diagram showing the property lines and placement of the trailers. The facility should either submit evidence that the waste trailers are, in fact, located within the property lines and that the trailers are at least 50 feet within the property line, or the facility should relocate the trailers to a location that complies with this regulation and submit a new diagram that documents compliance.

Type:	Violation
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Rule: Rule 62-730.171(2)(e), FAC

Question: Does the log contain:

Explanation: The facility failed to place the generator's EPA ID number on its new waste log sheet and failed to place the generator's EPA ID number and name on log sheets completed prior to May 21, 2009.

Corrective Action: In order to return to compliance, the facility should place the following information on its waste log sheet: the manifest number and date for each shipment that enters and leaves the facility, the generator's name and EPA ID number (for CESQGs without a number, the record should include the name and address of the generator), and the amounts of hazardous waste including, hazardous waste codes.

Type: Violation

Rule: Rule 62-730.171(3), FAC

Question: Has the facility notified the department on Form 62-730.900(6) (Transfer facility notification form)?

Explanation: The facility is operating as a 10-Day transfer station without receiving confirmation from the DEP that the initial notification package is complete and technically adequate.

Corrective Action: In order to return to compliance, the facility should incorporate the items submitted by Seyfarth Shaw LLP for HCC on 11/18/09, into its closure plan. The updated closure plan should be submitted to the DEP for review.

Type: Violation

Rule: 40 CFR 265.16(d)

Question: Are records maintained for current employees until closure of the facility?

Explanation: The facility failed to provide records showing the type and amount of hazardous waste training given to facility employees.

Corrective Action: In order to return to compliance, the facility should submit written documentation of each facility position related to hazardous waste management and should include the following information for each position:

1. A job title for each position and the legibly written name of the employee currently in that position.
2. A written job description for each position.
3. A written description of the type and amount of both introductory and continuing training that will be given to each person filling the position.
4. Documentation that the training or job experience required has been given to or been completed by each person identified in number 1 above.

Used Oil Transporter

Type: Violation

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Rule: Rule 62-710.510(1), FAC

Question: Does the facility keep records on DEP Form 62-710.901(2) or equivalent?

Explanation: The facility failed to keep used oil acceptance and delivery records on DEP Form 62-710.901(2) or on a substantially equivalent form.

Corrective Action: In order to return to compliance, the facility should begin documenting its used oil transportation activities on DEP Form 62-710.901(2) (Attachment 2), or on a substantially equivalent form that includes at least the same information as the DEP form.

Type: Violation

Rule: Rule 62-710.500(1)(a), FAC

Question: Is the transfer facility registered per 62-710.500(1)(a) F.A.C?

Explanation: The facility stores used oil on-site for longer than 24 hours and failed to register as a used oil transfer facility.

Corrective Action: In order to return to compliance, the facility should register its used oil transfer facility activities with the Department on form 8700-12FL. This registration should be done annually.

Type: Violation

Rule: 40 CFR 279.44(d)

Question: Are test records or copies of records providing basis for determination kept for 3 years?

Explanation: The facility failed to mark the results of a Chlor-D-Tect test one used oil acceptance record dated 5/27/09.

Corrective Action: The facility should maintain records for a minimum of three years that the used oil it transports is not a hazardous waste.

Other

Type: Violation

Rule: 40 CFR 265.55, 265.52(f), 265.53(b), 265.53(a), 265.52(e)

Explanation: The following deficiencies were noted in the facility's Contingency Plan:

1. The facility did not have a copy of the Plan on-site during the inspection.
2. The facility failed to include in the Plan a list of all emergency equipment at the facility and an evacuation plan including signals.
3. Failure to distribute the Plan to local authorities.
4. The alternate emergency coordinator list in the Plan is located in South Carolina, which means he is not available to respond to an emergency by reaching the facility within a short period of time.

Corrective Action: The facility has returned to compliance with items 1, 2, and 3. HCC should make sure that an updated, complete copy of the Contingency Plan is available

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at the 103rd Street facility.

In order to return to compliance with item 4, the facility should select an alternate emergency coordinator who is located close to the facility.

Summary of Potential Violations:
Potential Violations

Rule Number	Area	Date Cited	Explanation
Transporter / Transfer Facility			
265.14(a)		06/01/2009	The facility failed to provide adequate security that includes 24-hour surveillance or fence which completely surrounds the active portion of the facility and a means to control entry to the active portion at all times.
265.14(c)		06/01/2009	The facility failed to post signs that indicate only authorized personnel are allowed and that entry to the area may be dangerous.
265.15		06/01/2009	The facility failed to develop an inspection schedule for areas subject to spills when hazardous waste is present at the facility. In addition, the inspections checklists did not identify the name of the inspector in the log.
265.17(a)		06/01/2009	The facility failed to post "No Smoking" signs in the area where it parks the trailer it uses to store and transport hazardous waste.
265.37(a)(1)		06/01/2009	At the time of the inspection, the facility had not made emergency arrangements with local authorities.
265.176		06/01/2009	The facility's storage and waste trailers do not appear to be within the property lines, according to the Duval County Property Appraiser's website.
62-730.171(2)(e)		06/01/2009	The facility failed to place the generator's EPA ID number on its new waste log sheet and failed to place the generator's EPA ID number and name on log sheets completed prior to May 21, 2009.
62-730.171(3)		06/01/2009	The facility is operating as a 10-Day transfer station without receiving confirmation from the DEP that the initial notification package is complete and technically adequate.
265.16(d)		06/01/2009	The facility failed to provide records showing the type and amount of hazardous waste training given to facility employees.
Used Oil Transporter			
62-710.510(1)		06/01/2009	The facility failed to keep used oil acceptance and delivery records on DEP Form 62-710.901(2) or on a substantially

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Rule Number	Area	Date Cited	Explanation
			equivalent form.
62-710.500(1)(a)		06/01/2009	The facility stores used oil on-site for longer than 24 hours and failed to register as a used oil transfer facility.
279.44(d)		06/01/2009	The facility failed to mark the results of a Chlor-D-Test test one used oil acceptance record dated 5/27/09.
Other			
265.55, 265.52(f), 265.53(b), 265.53(a), 265.52(e)		06/01/2009	<p>The following deficiencies were noted in the facility's Contingency Plan:</p> <ol style="list-style-type: none">1. The facility did not have a copy of the Plan on-site during the inspection.2. The facility failed to include in the Plan a list of all emergency equipment at the facility and an evacuation plan including signals.3. Failure to distribute the Plan to local authorities.4. The alternate emergency coordinator list in the Plan is located in South Carolina, which means he is not available to respond to an emergency by reaching the facility within a short period of time.

Photo 1 - Storage Trailers



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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. 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.

Jenna Perry

PRINCIPAL INSPECTOR NAME

Environmental Specialist III

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

1/11/2010

DATE

Troy Strause

REPRESENTATIVE NAME

Branch Manager

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

HCC

ORGANIZATION**Report Approvers:**

Vicky Valade

SUPERVISOR NAME

Environmental Manager

SUPERVISOR TITLE**SUPERVISOR SIGNATURE**

FDEP

ORGANIZATION

1/11/2010

DATE

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.



ATTACHMENT 1



Department of Environmental Protection

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

Used Oil and Used Oil Filter Record Keeping Form

DEP Form #62-701.900(13)
Form Title Used Oil and Used Oil Filter
Record Keeping Form
Effective Date March 23, 1997

Rule 62-710.510(1) of the Florida Administrative Code requires each registered person to maintain records on either this or a substantially equivalent form which contains the same information. This information must be kept on-site for three (3) years and be available for inspection by DEP during normal business hours. Used Oil Filter information is optional (but recommended), the Used Oil from filter processing must be recorded and reported.

A. Used Oil Source Name, Street Address, City, State, Zip Code, EPA ID Number, if applicable	B. Date	C. Number of Filters	D. Gallons of Used Oil	E. Type Code	F. End Use Code	G. Destination of Used Oil /Used Oil Filters Name, Street Address, City, State, Zip Code, EPA ID Number, if applicable	H. State Mark "X" if not Florida

I. TOTAL COLLECTED

	Automotive	Industrial	Mixed
In State			
Out of State			

J. TOTAL END USED

End Use Code	N	O	F	B	I	D
In State						
Out of State						