



Florida Department of Environmental Protection

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November 16, 2010

SENT VIA EMAIL

pcomella@seyfarth.com

Mr. Philip Comella
Seyfarth Shaw LLP
131 South Dearborn Street, Suite 2400
Chicago, Illinois 60603

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

Dear Mr. Comella:

The Florida Department of Environmental Protection has reviewed the information received on June 21, 2010, in response to the above referenced Warning Letter for Heritage - Crystal Clean, LLC on 103rd Street in Jacksonville. The DEP has the following comments on this submittal:

Potential Violation 1 - Security [40 CFR 265.14(a)]:

The DEP does not agree that the facility is exempt from the security requirements of 40 CFR 265.14; however, we will accept that the locked trailer provided adequate security. This violation will be deleted.

Potential Violation 2 - Entry Signs [40 CFR 265.14(c)]:

No further action is required.

Potential Violation 3 - Inspection Plan [40 CFR 265.15]:

HCC's response indicated that it now has an inspection schedule on a computer program. The facility should submit documentation of the inspection schedule to the DEP. A printout or screenshot of the schedule will be sufficient documentation to return the facility to compliance.

Potential Violation 4 – No Smoking Signs [40 CFR 265.17(a)]:

No further action is required.

Potential Violation 5 – Arrangements with Local Authorities [40 CFR 265.37(a)(1)]:

No further action is required.

Potential Violation 6 – Ignitable Waste [40 CFR 265.176]:

During our teleconference on 3/10/10, HCC agreed to submit a new site diagram documenting the new location of the storage trailers to show they are now at least 50 feet from the property line. This diagram was not included in the facility's submittal. The facility should submit this documentation to the DEP to return to compliance.

Potential Violation 7 – Log Sheet Requirements [Rule 62-730.171(2)(e), F.A.C.]:

During our teleconference on 3/10/10, HCC agreed to submit a screenshot of the new computer log used to track waste entering and leaving the facility. This screenshot was not included in the facility's submittal. The facility should submit this documentation to the DEP to return to compliance.

Potential Violation 8 – Transfer Facility Approval [Rule 62-730.171(3) F.A.C.]:

The Department approves the closure plan with the following changes:

The Certification of Closure section of the plan: The closure certification required pursuant to 40 CFR 265.115 will include manifest(s) showing disposal of the final volume of waste, a brief report detailing observations made for the presence of contamination from spills and releases, and corrective measures for removal of contaminated soils, including sampling data.

The Closure Cost Estimates section of the plan: The facility should replace the reference to the Port Everglades 10-Day transfer facility with language reflecting the Jacksonville facility.

The facility should submit the revised closure plan to Tony Tripp at the DEP's Tallahassee office.

Potential Violation 9 – Training Records [40 CFR 265.16(d)]:

HCC's response letter from 6/18/10 says that employee training records are in the computer and that reports can be run by a manager or anyone in the EHS Department at any time. These records were requested during the 6/1/09 inspection and again subsequent to the inspection, but they were not submitted. During our teleconference on 3/10/10, HCC agreed to submit documentation of its hazardous waste and used oil training program. This documentation was not included in the facility's submittal. The facility should submit this documentation to the DEP to return to compliance.

Potential Violation 10 – Used Oil Transporter Records [Rule 62-710.510(1) F.A.C.]:
During our teleconference on 3/10/10, HCC agreed to submit six months worth of used oil acceptance and delivery records for this branch to show that its records are substantially equivalent to DEP Form 62-710.901(2). This documentation was not included in the facility's submittal. The facility should submit this documentation to the DEP to return to compliance.

Potential Violation 11 – Transfer Facility Registration [Rule 62-710.500(1)(a) F.A.C.]:
The facility did register as a transfer facility; therefore this violation will be deleted.

Potential Violation 12 – Halogen Screening [40 CFR 279.44(d)]:
No further action is required.

Potential Violation 13 – Contingency Plan [40 CFR 265.55, 265.52(f), 265.53(b), 265.53(a), and 265.52(e)]:
This violation has been returned to compliance; however, the DEP would like to point out that 40 CFR 265.55 requires that emergency coordinators must be “either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time”).

As indicated above, the DEP requested almost all of the documents still needed to return HCC to compliance during our March 10, 2010 teleconference. HCC indicated that all of the documents were available and agreed to submit them to the DEP within 30 days of the teleconference. We are concerned that HCC's failure to submit the agreed upon items indicates it may not be negotiating with the DEP in good faith to resolve these issues. Therefore, it is imperative that HCC submit a complete response to all information requested above.

All information required to return your facility to compliance must be submitted to the DEP within 30 days of the date of this letter. If you have any questions please contact Jenna Perry at 904.807.3382.

Sincerely,



Michael J. Fitzsimmons, Administrator
Waste Program

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ec: Catherine McCord, Heritage Crystal Clean LLC – Catherine.McCord@Crystal-Clean.com