



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

FACILITY INFORMATION:

Facility Name: Heritage Crystal-Clean LLC
On-Site Inspection Start Date: 06/07/2018 **On-Site Inspection End Date:** 06/07/2018
ME ID#: 28736 **EPA ID#:** FLD984262410
Facility Street Address: 1280 NE 48th St, Pompano Beach, FL 33064-4909
Contact Mailing Address: 6305 E Lombard St, Baltimore, MD 21224-1734
County Name: Broward **Contact Phone:** (443) 463-1598

NOTIFIED AS:

Transfer Facility
Transporter
Used Oil
VSQG

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility
Routine Inspection for CESQG (<100 kg/month) facility
Routine Inspection for Used Oil Transfer Facility facility
Routine Inspection for Hazardous Waste Transporter facility
Routine Inspection for Hazardous Waste Transfer Facility facility
Routine Inspection for Universal Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Norva Blandin, Inspector
Other Participants: Alannah Irwin, Environmental Specialist II; Joe Clemente, Branch Manager; Daniel Prokop, Environmental Compliance Manager

LATITUDE / LONGITUDE: Lat 26° 17' 22.5635" / Long 80° 6' 23.2854"

SIC CODE: 5093 - Wholesale trade - scrap and waste materials

TYPE OF OWNERSHIP: Private

Introduction:

On June 7, 2018, representatives of the Florida Department of Environmental Protection (FDEP) conducted an used oil and hazardous waste compliance inspection at Heritage Crystal Clean LLC (HCC). The facility is situated on a 4- acre site in an industrial area and is serviced by city water and sewer. The facility has been in operation at this site since 1993 and has 12 employees. During the inspection, HCC was represented by Mr. Joe Clemente, Branch Manager of the facility and Daniel Prokop, Environmental Compliance Manager. The DEP was represented by Norva Blandin, Environmental Manager and Alannah Irwin, Environmental Specialist II.

Heritage Crystal Clean, LLC (HCC) bought out FCC Environmental LLC (FCC) in June of 2015 and has ceased most of their services out of this facility. HCC notified the Department that this location will not longer operate as Used Oil Processor facility and their Closure Plan was submitted and approved by the Department on October 6, 2017.

Notification History:

Current registration last updated: 3/15/18 --- this new registration is currently effective from 6/30/18 to 6/30/19.

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HCC is a permitted Used Oil Processor, permit number # 51348-009-HO/51348-010-SO , expiration date October 21,2018. HCC is a registered transporter, transfer facility, marketer, and processor for used oil and used oil filters, as well as a hazardous waste transporter and transfer facility. Additionally, HCC is a small quantity handler of universal waste and a registered universal waste transporter. According to the documentation provided, the facility is currently registered as used oil handler with the Department effective on 6/30/2018.

Last notification as a Hazardous Waste and Used Oil Transfer facility, transporter and Used Oil Processor- 6/30/17 to 6/30/18.

Inspection History:

For the last five years, this site has been inspected twice (2) by the Department.

- The facility's last inspection took place on 2/11/16 and involved three (3) violations cited in the report. The facility return to compliance from that inspection and was closed without enforcement, on 4/6/16.
- The facility was inspected on 1/28/14 and involved three (3) violations cited in the report. The facility return to compliance from that inspection and was closed without enforcement, on 6/10/14.

Process Description:

The inspectors toured the facility located in 1280 NE 48th St. Pompano Beach, Florida 33064. This facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste and used oil filters. The facility is also a registered hazardous waste transporter and Transfer Facility (less than 10-days storage) hazardous waste transfer facility

Closure Activities:

During the inspection, it was confirmed that HCC ceased their used oil processing activities at this location since January 2018. A Closure Plan was submitted to the Department on August 17, 2017 and was approved on October 11, 2017. Based on the Closure Plan, HCC will only operate one (1) used oil processing facility located in Plant City (EPAID FLD984262410). During the inspection, the inspectors asked about the status of the closure activities because the tank farms and demolition debris were observed. The tank farms (total capacity of 432,000 gallons) were in the process of being demolished and the wastewater treatment plant has been dismantled. The inspectors observed that all tanks are empty and have been clean-out. However, the facility representatives clarified that the project has been temporarily postponed due to ongoing conflicts with the property owner and business decisions.

The closure activities still ongoing and the sampling and demolition is pending. The berm area has not been demolished and still working and operable. The last status of the closure procedure was that HCC will request an extension of 90 days to the Department.

HCC has erected a free standing loading dock approximately 75 feet from the facility's east wall and within the bermed area. On the south end of the dock were the trailers for collection of the transfer facility waste and dirty solvent waste. The inspectors observed the following:

Transfer Facility activities:

- Three trailers have been designated to hold the following:

- > Trailer #1, held just only spill kits and absorbents. No used oil filters or used oil containers were observed during the inspection.
- > Trailer #2, it was observed that
 - > thirteen (13) closed and labeled- 30 gallon drums of used solvents (going to be recycle and send to their reclamation facility)
 - > thirty-four (34) closed - 55 gallon drums of new solvent - virgin part washer mineral spirits- (product)
- > Trailer #3 is designated for storage of used oil filters containers that are transported to U.S. Foundry. All of the containers were labeled and closed. Approximately, 40- 55 gallon drum were held in this trailer to direct transportation to U.S. Foundry.
- > Trailer #4 designated to store only products (virgin solvent) during the inspection. Usually is used for storage of used oil filters.

They are still collecting used oil filters; however, instead of bulking these filters, HCC is shipping them to US Foundry(EPA ID FLD004128336) in their original containers. The facility is operating as a hazardous waste transfer facility and the parts washer service is still being conducted from this site. They have ceased

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operating the full-service recycling, recovery, and remediation services that has been operating at this facility since 1993 (based on a previous inspection).

Based on HCC operations, this facility utilize the following locations for used oil processing/re-refinery facilities:

- > Heritage-Crystal Clean, LLC – Indianapolis (EPA ID # INR000006536), which is situated at 3970 W 10th Street, Suite A, Indianapolis, IN 46222
- > Heritage-Crystal Clean, LLC – Plant City (EPA ID # FLD065680613), which is situated at 103 S Alexander Street, Plant City, FL 33563
- > Heritage-Crystal Clean, LLC – New Orleans (EPA ID # LAD092096106), which is situated at 14890 Intracoastal Drive, New Orleans, LA 70129

HCC operations for used oil and hazardous waste transportation and transfer facility activities are the following:

- > For used oil, HCC transporters bring the used oil to the Pompano Beach location. The used oil will then be bulked and transported to Florida TransFlo Terminal (EPAID FLD984253542). After arrival at TransFlo, all used oil is transported via rail car to HCC Plant City or other HCC re-refinery facility as described above.
- > For hazardous waste, HCC will pick up wastes from generators and hold it for less than 10 days. It was noted during the inspection, that HCC is under the solvent-reuse system and therefore any solvent pick up by HCC (<140 degrees) did not carry the EPA waste code D001.

HCC fleet:

- > three (3) trucks of 10,000 gallons capacity
- > three (3) box trucks for HW containers and reusable solvent program
- > one (1) box truck for used oil filter containers
- > one (1) vacuum truck of 3,500 gallons

All the trucks have on their documentation their current registration, spill kits, DOT numbers and halogen screening tools.

Containers - Storage Area (near to the trailers area)

Oily waste and filter drums are no longer stored or processed in the Drum Storage and Processing Area. Area; these operations stopped in 2015. The area has been pressure washed and cleaned. The area is currently used to store HCC product, including virgin part washer mineral spirits, aqueous part washer fluids, new absorbent materials and new drums. During the inspection, the inspectors observed that this area is designated just for products (approximately 50 - 55 gallon drums). Just one (1) 275 -gallons tank of used antifreeze was observed. Also, it was observed that approximately 15- 55 gallon drums were empty.

Preparedness and Prevention measures:

Spill kits, internal communication procedures, emergency phone numbers and fire extinguishers are stationed throughout the facility for easy access and all employees carry cellular phones.

Record Review

All permits and documentation required by the inspectors were available for review on site. The inspectors reviewed the following:

- > Acceptance and delivery records for used oil activities - Based on the file review, the inspectors observed the following discrepancies and/or missing information on their acceptances and delivery records:
 - Bills of lading for the last three years were reviewed. All bills of lading reviewed during the inspection were missing information or about Florida TransFlo, including EPA ID. Florida TransFlo is transporter #2; however, this facility is listed as the designated facility instead of the secondary transporter.
 - Missing EPA ID of the designated facilities for Used Oil, Used Oil Filters, and other designated facilities known as Cliff Berry, U.S. Foundry, and/or Giant Resources.

The inspectors confirmed that the delivery records for used oil filters did not included any EPA ID number for the designated facility between 2016 to present.

- > Hazardous waste manifests - for hazardous waste transportation - excluding UPW (HCC did not transport

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any universal pharmaceutical wastes; if any HCC uses Stericycle).

- The facility maintains a hand-writing book for each one of the shipments of hazardous wastes received by this location. In order to comply with the 10-days storage time frame, HCC shipped off their hazardous wastes every Thursday. These logs were kept in a form that the inbound/outbound information can be located. The inspectors reviewed 2015, 2016, 2017 and 2018. However, the Department required to HCC to provide more specific documentation about this log in order to demonstrate that HCC did not exceed the storage period of time of 10 days for hazardous waste and 10- days for used oil filter, and 35- days for used oil containers. Last pickup was on 6/6/18.

- It was noted by the inspectors that HCC use Bill of lading for Hazardous Waste Shipments for VSQG's which is correct. However, it was also noted that HCC was not using the uniform hazardous waste manifest for at least 3-4 SQG generators during the inspection. Therefore, HCC shall revise/update information of the status of their generators in their Waste stream Search Criteria (named as CCMS). The facility shall provide the appropriate documentation and manifests to the Department and explain how the issues shall be resolved. Additionally, the facility shall provide documentation demonstrating that the issues have been corrected and provide the appropriate documentation and manifests to the Department. Please, explain how HCC will resolve this issue and also, provide documentation that HCC corrected the issues. For example, during the inspection, the inspectors noted that multiple generators are SQG and HCC managed them and transported their wastes with Bill of Lading. Please provide a list of your generator and their EPA ID. This include for used oil and hazardous waste activities.

During the file review, it was noted that HCC used the EPAID ILR000130062 for all activities in this location. While this is the EPAID for the corporate office, the facility shall use the assigned ID for the Pompano Beach location (FLD984262410).

> Weekly inspection logs for hazardous waste containers must include the five elements described in the rule. During the inspection, the logs failed to include the number of the containers and the time of the inspection. Three years records were available for review.

> Daily inspection logs for tanks and/or secondary containment - During the inspection, three years records were available for review and appeared to be in order. Tanks and secondary containment were empty during the inspection and the closure of these areas are ongoing.

> Full Contingency Plan/SPCC Plan (last revision 1/2018) including their proof of notification to the local authorities. During the time of inspection, HCC provided a copy of the Contingency Plan and also, SPPC Plan via email for our review.

> Employee Training - All employees receive initial and annual hazardous waste and used oil training, including training concerning the facility's proper hazardous waste and used oil handling, storage, and spill cleanup procedures. The facility maintains and has records for Used Oil Transporter certification for their employees and also for the hazardous waste transporter training (RCRA). The last employee training was conducted on 5/17/2018; records for the last three years were reviewed during the inspection. HCC has a total of 8 drivers.

> Permits and registrations were on site and displayed in a visible area.

> Records of the facility's Waste Analysis Plan were available for review. The inspector reviewed the facility's Waste Analysis Plan, which appeared to be complete and in-order. The facility appeared to have a standard operating procedure for the testing of the halogen content of used oil entering the facility and for hazardous waste. Waste Analysis Plan was available for review and also, include a copy of any rejected waste described as rejection folder. For used oil activities, HCC conducted Chlor D Teck Processor System for halogen screening and also, kept the samples for 90 days.

> Records of the facility's yearly financial reports (specifically its Used Oil Processing Facility Closing Cost Estimate Forms) from the last three years were also available for review. According to the observations of the inspector, these Closing Cost Estimate forms appeared to be complete and in-order. Closure Plan and Cost closure estimates (update information was submitted on January 31, 2018 and approved by the Department for all HCC facilities in Florida).

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> Liability Records- Records of the facility's Used Oil Handler Certification of Liability Insurance forms from the last three years were also available for review. According to the observations of the inspector, these Certification of Liability Insurance forms appeared to be complete and in-order. The facility provided proof of Pollution Liability Insurance policies (expired on 6/1/2020 Policy # GEC002320111 and PEC004761802 \$10M).

> Annual Report for Used Oil and Used Oil filters (last submitted on March 2018 on 2/6/18) for the last three years were reviewed.

New Potential Violations and Areas of Concern:

Violations

-
- Type: Violation
 Rule: **263.22(a)**
 Question Number: 6.16
 Question: Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)
 Explanation: HCC did not keep any of their third copies of the manifest from the designated facility.
 Corrective Action: Please provide copies of the return signed copies of the generators.
-
- Type: Violation
 Rule: **279.45**
 Explanation: The facility maintains a written Spill Prevention, Control, and Countermeasures (SPCC) Plan; however, a copy shall be provided to the Department in order to determine if the plan is adequate for this location.
 Corrective Action: Please then submit (via email) the written SPCC plan to the Department for review.
-
- Type: Violation
 Rule: **279.46(a), 279.46(b), 62-710.510(1)**
 Explanation: > The facility did not list the name and specific EPA ID number as the name and specific EPA ID number of the "Receiving Facility" of the used oil transported by Heritage-Crystal Clean tanker trucks to Florida Transflo. Also, include the EPA ID of the designated facilities in the bill of lading or manifests.
 > Please ensure that all future used oil acceptance and delivery records are formatted in a manner that includes all of the aforementioned required facility names, specific EPA ID numbers, signatures, and dates. Please then submit (via email) the corrected versions of the aforementioned used oil acceptance and delivery records to the Department for review.
 Corrective Action: Provide this documentation for the Department review.
-
- Type: Violation

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Rule: 263.20(a)(1)

Question Number: 6.7

Question: If NO, is the waste exempt from the manifest requirement? 263.20(a)(1)

Explanation: The inspector observed that HCC was using Bill of Lading for some SQG's generators for hazardous waste.

Corrective Action: Please, provide a list of your generators with the assigned EPA ID and the proper manifest attached to the list.

Type: Violation

Rule: 265.174, 62-730.160(5)

Explanation: Weekly inspection logs were kept for the facility for three years. However, HCC failed to include the following elements on their logs: time and number of the containers.

Corrective Action: Please, update the weekly inspection logs and provide a copy to the Department for at least 2 weeks.

Type: Violation

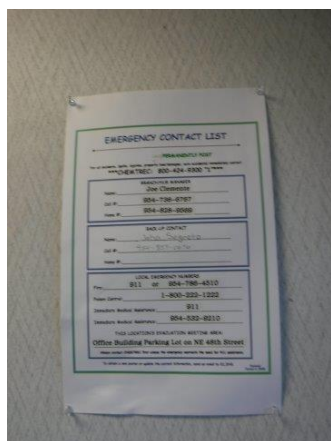
Rule: 279.52(b)(3)

Explanation: Notification to local authorities of their SPCC/Contingency Plan was not able to be review during the inspection.

Corrective Action: Please provide a copy of the Contingency Plan/SPCC notification letters and proof of delivery to the local authorities.

PHOTO ATTACHMENTS:

Emergency Procedures



Trailers for Storage

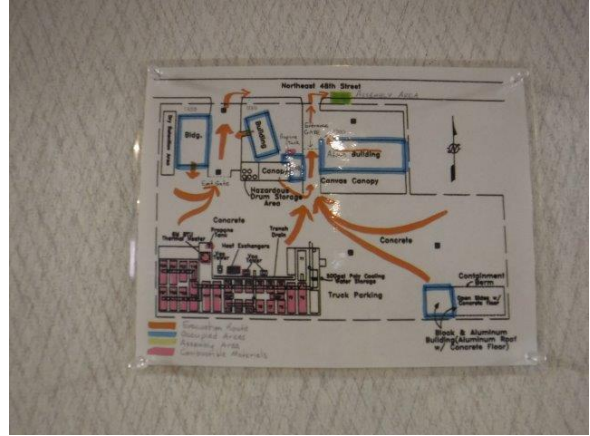


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Trailer #2



Evacuation Map



Weekly inspection logs for hazardous wastes

Container List

FT LAUDERDALE WEEKLY INSPECTION SCHEDULE (X-roky)

PERIOD AND WEEK NUMBER	Date	Inspected	Quantity	Condition	Remarks	Disposition	Disposition Date	Disposition Method	Disposition Location
1	6/7/18								
2	6/14/18								
3	6/21/18								
4	6/28/18								
5	7/5/18								
6	7/12/18								
7	7/19/18								
8	7/26/18								
9	8/2/18								
10	8/9/18								
11	8/16/18								
12	8/23/18								
13	8/30/18								
14	9/6/18								
15	9/13/18								
16	9/20/18								
17	9/27/18								
18	10/4/18								
19	10/11/18								
20	10/18/18								
21	10/25/18								
22	11/1/18								
23	11/8/18								
24	11/15/18								
25	11/22/18								
26	11/29/18								
27	12/6/18								
28	12/13/18								
29	12/20/18								
30	12/27/18								

Containers located in the trailer #2- labeled and closed



DOT #



Dismantled WWTP



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Closure Activities**Storage for products****Conclusion:**

According to the observations of the inspector, HCC transports, transfers/stores, and markets used oil and used oil filters as transport and storage (<10 days) of hazardous wastes. All records required of Used Oil Processors/Transporters/Marketers/Transfer Facilities and Used Oil Filter Transporters/Transfer Facilities were reviewed by the inspectors and the facility appeared to be out of compliance based on the observations described in the inspection report.

The Department provided an exit interview to Mr. Prokop and Mr. Clemente during the inspection. On 7/16/18, HCC provided a response to the Department regarding to the non compliance items discovered in our inspection.

In this response, HCC described the actions that will take place in order to return to compliance:

- > Ten day storage limit logs-additional documentation
- > Utilizing a Bill of lading for Hazardous Waste Shipments for SQG's and replacing the bill of lading into manifest for SQG's.
- > Clarification of the use of corporate EPA ID number for manifesting ILR000130062. - HCC is registered with US DOT as an interstate transporter based in IL. Therefore, HCC transports materials in every state under our Elgin IL based EPA ID number, ILR 000 130 062. Certain states, such as FL, require a State registration to conduct various activities. HCC has completed the required notification (attached) and has indicated on each Form Name that HCC operates as a transporter under our Federal Transporter ID number ILR 000 130 062. At various HCC locations, we transport hazardous materials as a 10-day transporter, and accept those materials as a transporter. The shipping paper from generator to transporter acts as a point to point transportation document. These materials are then transferred onto another point to point shipping paper in which HCC is the offeror, offering the materials back into transport to the processing facility.
- > Missing EPA ID of designated facilities- We are currently are reviewing are manifest procedures and are meeting with Transflo in particular to ensure that there are no mistakes as to where the waste was generated, who is the transporter and the final destination for the waste. Meeting with Transflo to take place week of 7/16/18.
- > Weekly drum inspections, number of containers and time/date inspected are undertaken weekly.

On 8/17/18, the Department requested additional documentation in order to close all the violations cited in this report.

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6.0 - Transporters 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.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Transporter Requirements (62-730.170 & 40 CFR 263)	Yes	No	N/A
6.1	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)	✓		
6.2	Does the transporter repackage wastes with different USDOT shipping descriptions?			
6.3	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)	✓		
6.4	Does the transporter transport waste into the US from abroad?			
6.5	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)	✓		
6.6	Does the transporter obtain a signed and dated manifest prior to accepting a hazardous waste for transport?			
6.7	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1) <input type="checkbox"/> Exemption Type - Tolling Agreement <input type="checkbox"/> Exemption Type - CESQG Bill-of-Lading		✓	
6.8	Does the transporter sign and date the manifest upon acceptance? 263.20(b)	✓		
6.9	Does the transporter leave a signed copy of the manifest acknowledging acceptance of the waste? 263.20(b)	✓		
6.10	Does the transporter ensure the manifest and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(c)	✓		
6.11	Does the transporter obtain the signature and date of delivery of the receiving (designated) facility or other transporter upon transferring custody of the waste? 263.20(d)(1)	✓		
6.12	Does the transporter retain one copy of the manifest signed and dated by the designated facility or other transporter? 263.20(d)(2)	✓		
6.13	Does the transporter give the remaining copies of the manifest to the designated facility or accepting transporter? 263.20(d)(3)	✓		
6.14	If the entire quantity of hazardous waste cannot be delivered, does the transporter contact the generator for further direction and revise the manifest in accordance with the generator's instructions? 263.21(b)(1)	✓		
6.15	For a partial load rejection, while the transporter is on the facility's premises, does the transporter obtain a new manifest for the rejected material, accompanied by a copy of the original manifest that includes the manifest tracking number of the new manifest? 263.21(b)(2)	✓		
6.16	Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)		✓	
Item No.	Rail Transporters	Yes	No	N/A
6.17	If initial rail transporter, when accepting hazardous waste from a non-rail transporter does the rail transporter sign and date the manifest acknowledging receipt of the hazardous waste? 263.20(f)(1)(i)			✓
6.18	If initial rail transporter, does the rail transporter return a signed copy of the manifest to the non-rail transporter? 263.20(f)(1)(ii)			✓
6.19	If initial rail transporter, does the rail transporter forward at least three copies of the manifest to the next designated non-rail transporter or facility? 263.20(f)(1)(iii)			✓
6.20	If initial rail transporter, does the rail transporter retain one copy of the manifest and rail shipping paper? 263.20(f)(1)(iv)			✓
6.21	Does the rail transporter ensure the shipping paper and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(f)(2)			✓
6.22	Does the final rail transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(f)(3)(i)			✓
6.23	Does the final rail transporter retain a copy of the manifest or signed shipping paper? 263.20(f)(3)(ii)			✓
6.24	When delivering hazardous waste to a non-rail transporter, does the rail transporter obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest and retain one copy of the manifest? 263.20(f)(4)			✓

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Item No.	Water (Bulk) Transporters	Yes	No	N/A
6.25	Does the water (bulk) transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(e)(3)			✓
6.26	Does the water (bulk) transporter retain a copy of the manifest or signed shipping paper? 263.20(e)(5)			✓
Item No.	SQG Waste	Yes	No	N/A
6.27	For SQG waste, if a manifest is not used is the waste being transported pursuant to a recalculation (tolling) agreement per 262.20(e)? 263.20(h)(1)			✓
6.28	Is the following information recorded on a log or shipping paper for each shipment? (Check items below that are NOT in compliance): 263.20(h)(2) <input type="checkbox"/> Name, address, and EPA identification number of the generator of the waste <input type="checkbox"/> Quantity of waste accepted <input type="checkbox"/> All DOT-required shipping information <input type="checkbox"/> The date the waste is accepted			✓
6.29	Does the transporter carry the shipping paper/log when transporting waste to the reclamation facility? 263.20(h)(3)			✓
6.30	Does the transporter retain shipping papers/logs for a period of at least three years after termination or expiration of the tolling agreement? 263.20(h)(4)			✓
6.31	If hazardous waste was discharged during transport, did the transporter give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802)? 263.30(c)(1)			✓
6.32	If hazardous waste was discharged during transport, did the transporter report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590? 263.30(c)(2)			✓
6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31			✓
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)? 62-730.150(2)			✓
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)			✓

