



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District  
3301 Gun Club Road, MSC7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

Date: January 25, 2019  
Location: SED Office  
Case: Heritage Crystal Clean (HCC)

- **Introductions:**
  - Norva Blandin- EPA Directive/DEP Protocol
  - Alannah Irwin - Purpose of meeting
- **Warning Letter Discussion**
  - DEP Counterpoints
  - Inspection Report Discussion:
  - Inspection Report and DEP Findings
  - Review of violations and explanations
- **Expectations/ Conclusions/Agreements**
  - HCC
  - DEP
- **Questions or concerns**



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## Meeting Notes

Subject: HCC Pompano (EPAID FLD984262410) Enforcement Meeting

Date: January 25, 2019 from 10:40am to 11:56am

Location: Florida DEP Southeast District, Lake Okeechobee Conference Room

### **I. Introductions**

- a.** Florida DEP Southeast District was represented by Norva Blandin, Environmental Manager, Alannah Irwin, Environmental Specialist II, and Justin Stark, Environmental Specialist I
- b.** HCC Pompano was represented by Anita Decina, Vice President of Environmental Health and DOT, Michelle Walper, Corporate Regulatory Manager, Billy Hurin, Southeast Regional Manager, and Joe Clemente, Pompano Beach Manager
- c.** Ms. Decina provided the company overview for HCC.
  - i.** Company has been in operation since 1999 and acquired Pompano Beach facility in 2015.
  - ii.** Within the last 1.5 years, several corporate changes have occurred, including the hire of a new CEO with a focus on Environmental Safety and Compliance.
  - iii.** The new CEO appointed a new President and a New VP of EHS (Anita Decina)
  - iv.** HCC assigned a new regional EHS manager to Florida facilities (Vinnie Glorioso), a new safety manager, and a newer waste approval department in the corporate office.
    - 1.** This process improves the waste analysis process and waste determination process to comply with 40 CFR 261 and 262. All approvals are placed in an electronic system that is accessible from any facility.
  - v.** Parts cleaning is the main part of the HCC business
    - 1.** HCC also provides containerized waste service for both non-hazardous waste and hazardous waste.

- 2. Most customers are VSQGs of hazardous waste
- 3. The facility also provides vacuum and oil collection services for used oil and oily water. The majority of this oil goes to the HCC refinery in Indiana for processing (recycling) and resale.
- vi. The facility does not practice rebulking of hazardous waste containers; unopened waste containers will be sent to a permitted Treatment, Storage, or Disposal (TSD) facility.

**II. EPA Directive – Norva Blandin**

- a. The State of Florida has been granted delegation by EPA to enforce the Federal requirements. The state has a level of service commitment to EPA with respect to inspections, compliance, permitting, and enforcement.
- b. EPA expects all enforcement cases reach resolution by Day 360 from discovery. The state expects closure by Day 300.
  - i. Ms. Blandin expressed that this case is at Day 232 and should be closed by Day 260.

**III. Case History**

- a. Ms. Blandin and Ms. Irwin conducted a compliance/closure inspection of HCC Pompano Beach on 6/7/2018. The facility had submitted a closure plan for the used oil processing (UOP) portion of the business. The Department conducted an inspection to determine compliance with the closure plan and the transfer facility and transporter requirements.
- b. Potential violations were discussed during the inspection with Mr. Clemente and Mr. Daniel Prokop. The last correspondence between DEP and Mr. Prokop was 8/24/2018.
- c. The Warning Letter was issued on 11/19/2018.
- d. All documentation pertaining to the case history can be found in Oculus.

**IV. Violations**

- a. The facility was not cited for the 10-day storage requirements for hazardous waste; however, it was recommended that improvements be made to the current tracking system.
  - i. The facility is working to improve and migrate the “Day In/Day Out” tracking with the EPAIDs for each container.
- b. During the inspection, the facility did have a tracking system in place, despite informing the DEP inspectors that no system was implemented.
  - i. DEP requested that the facility provide records of the EPAID tracking system that was implemented.
- c. 40 CFR 263.22(a) – Copies of signed manifests
  - i. During the inspection, several manifests were observed to be missing the final signed copies. Additionally, several generators required to use the Uniform Hazardous Waste manifest were observed to be using Bills of Lading for shipments.
    - 1. The facility clarified that the shipments are scanned into the system, which then indicates if the shipments are hazardous or non-hazardous.

2. The facility also clarified that a Hazardous Waste Bill of Lading is used for exempt generators (VSQGs) and the Uniform Hazardous Waste Manifest is used for SQGs and LQGs.
- ii. The Department requests records of the tracking systems used after the inspection to demonstrate a return to compliance. Once the documentation has been provided, this violation can be closed.
- iii. The Department clarified that episodic generators will be required to obtain an EPAID based on the Generator Improvement Rule.
- iv. HCC also clarified that a new training plan has been implemented to help identify and flag potential issues. The facility will identify generator status exceedances and will close out the account until the proper generator status has been assigned, meaning the facility submits the 8700-12FL form to DWM for approval.
- v. The facility also clarified that the final signed copy will be sent to the generator by the designated facility. The transporter(s) will also receive a copy for their records.
  1. The Department requested records for the final signed copies that were missing during the inspection.
- d. 40 CFR 279.45 – SPCC
  - i. The SPCC was provided before the meeting; however, DEP requested clarification for the most recent update to the plan.
    1. DEP informed the facility that, despite the update in 2017 and the closure of the UOP portion, the facility will be required to possess an SPCC or contingency plan that outlines the emergency procedures for used oil. This is because the facility will still be transporting or transferring used oil from this site.
    2. The facility stated that the SPCC does not apply since it is in transit. DEP concurred and asked for a copy of the contingency plan that outlines the emergency procedures for used oil. The facility will provide a copy; this plan was updated in 2018 with the Tier 2.
  - ii. The facility indicated that the closure has been completed. DEP will be conducting a closure inspection in February 2019.
- e. 40 CFR 263.20(a)(1)
  - i. The facility will provide all documentation to DEP indicating that this violation has been resolved.
- f. 40 CFR 265.174 – Weekly container inspections
  - i. The facility provided records of both daily and weekly container inspections. The Department requested clarification regarding the thoroughness of the daily container inspections.
  - ii. The facility clarified that the daily container inspections are conducted in accordance with the SPCC and are not to comply with the weekly requirements. The weekly container inspections conducted on Fridays are more thorough and demonstrate compliance with the RCRA requirements.

- iii. The Department requested that the facility include the number of containers and generator name in the weekly inspections. The facility was concerned because the number of containers may not be the same for each week.
  - 1. The Department clarified that the number of containers does not need to be the same for each inspection. The records are to demonstrate that the facility is documenting each container and checking the integrity of each.
  - 2. The Department also had concerns about aisle space in the box trucks with respect to identifying any spills or leaks. The facility will implement a new plan where the trucks are loaded around the interior walls to provide adequate aisle space.
  - 3. The facility also clarified that there is the ability to cross reference the containers and the inventory logs. The Department recommended that the facility add a column to the weekly container inspections to document the number of containers. Once the documentation with the corrections have been provided, the facility will demonstrate a return to compliance for this violation.

**V. Penalty Discussion**

- a. DEP explained that, per EPA, fees are required to be collected for violations of RCRA requirements. DEP also explained that there are two guidance documents for characterizing violations in both Used Oil and Hazardous Waste.
  - i. DEP provided a copy of the proposed penalties in the meeting and explained the violation breakdown. DEP deviated from the guidelines via compression, which means that if the violations are related, the penalty assessments can be combined in order to reach a settlement.
- b. Violation #1 and #4 were compressed. Both violations are classified with a minor potential for harm and a major deviation from the requirements; however, the Department deviated to minor/moderate due to the demonstration of changes to correct the process.
- c. Violations #2 and #6 are pertaining to the SPCC. The facility has sent the appropriate letters for arrangement. Once the documents discussed earlier in the meeting are provided, the Department can deviate this violation to minor/minor.
- d. The Department is also suggesting a downward adjustment of \$350 (~10%) of the total penalty due to good faith efforts during the case.
- e. Violation #3 was assigned a minor potential for harm and moderate extent of deviation. The penalty associated with this violation cannot be changed
- f. Violation #5 for the weekly container inspection was deviated to minor/minor due to the corrective actions provided.
- g. The Department and HCC concur with the proposed penalty. The Department will issue a settlement agreement via a consent order. Once the penalties are paid, the facility will have returned to compliance.

The meeting concluded at 11:56am.

Prepared by: Alannah Irwin - Environmental Specialist II CAP



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## Attendance Log

Date: January 25, 2019

Program: HW

Meeting Subject: DEP Meeting with Heritage Crystal Clean

Meeting Room: Dee Wallace

No. of Participants: 7

Telephone:

Voice Point:

Name	Representing	Telephone #	Fax #	E-Mail Address
Nona Blandin	FDPEP	561-681-6728		nona.blandin@floridadep.gov
Mannah Irwin	FDPEP	561-681-6726		Mannah.Irwin@floridadep.gov
Justin Stark	FDPEP	561-681-6664		JustinStark@FloridaDep.gov
Joe Clemente	H.C.C	954-736-6767		Joe.Clemente@CrystalClean.com
Anita Dena	HCC	247-783-5924		Anita.Dena@Crystal-Clean.com
Michelle Walper	HCC	403-740-8932		michelle.walper@Crystal-clean.com
Billy Hurin	HCC	704-905-7430		Billy.hurin@Crystal-Clean.Com

Meeting 10:12-12 PM JD