



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway, Suite 101
Temple Terrace, Florida 33637

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

April 24, 2019

Mr. Cris January, Owner
January Environmental Services, Inc.
1920 State Road 60 West
Bartow, FL 33830
Cris@januaryservices.com
Loren@januaryservices.com

Re: Warning Letter #WL19-14SWD53SWD
January Environmental Services, Inc.
HW Facility ID #FLD982162943
Polk County

Dear Mr. January:

A Hazardous Waste inspection was conducted at your facility on March 8, 2019, under the authority of Section 403.091, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 376 and 403, F.S., Chapter 62-730, Florida Administrative Code (F.A.C.), and Title 40, Code of Federal Regulation (CFR) Parts 262, 265, and 279 were observed.

During the inspection Department personnel noted the following:

- Two drums located in the warehouse were not properly labeled "Used Oil."
- The annual registration for used oil and used oil filter transporters, due by March 1st, for the registration periods of 2018-2019 and 2019-2010 have not been completed.
- The Annual Report by Used Oil and Used Filter Handlers for 2017 and 2018, due by March 1 of the following year, have not been submitted.
- Verification of employee training for 2018 and 2019 were not available and have not been provided.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.141 and 403.161, Florida Statutes.

Please contact Leslie Pedigo at Leslie.Pedigo@FloridaDEP.gov or at (813) 470-5870, within **7 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining

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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. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Mary Yeargan, P.G.
Southwest District Director
Florida Department of Environmental Protection

Attachments: 03/08/2019 Inspection Report

ec: Shannon Kennedy, FDEP; Shannon.Kennedy@dep.state.fl.us
Leslie Pedigo, FDEP; Leslie.Pedigo@dep.state.fl.us



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

FACILITY INFORMATION:

Facility Name: January Environmental Services Inc
On-Site Inspection Start Date: 03/08/2019 **On-Site Inspection End Date:** 03/08/2019
ME ID#: 46304 **EPA ID#:** FLD982162943
Facility Street Address: 1920 Hwy 60 W Main St, Bartow, FL 33830-0000
Contact Mailing Address: 1920 Highway 60 West, Bartow, FL 33830
County Name: Polk **Contact Phone:** (863) 534-8478

NOTIFIED AS:

Non-Handler

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter facility
Routine Inspection for Used Oil Transfer Facility facility
Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Leslie Pedigo, Inspector
Other Participants: Lindsay Sartory, Environmental Specialist II; Loren Dorwart

LATITUDE / LONGITUDE: Lat 27° 53' 51.5901" / Long 81° 51' 47.2672"

NAIC 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

January Environmental Services (January) was inspected to determine the facility's compliance with used oil transporter and transfer facility rules. The facility was originally notified as a small quantity generator on March 25, 1988, under the name Ashland Chemical Company. The 5.18-acre property was sold to January Environmental on October 20, 2004 and the notification was changed to Used Oil Transporter, Transfer Facility, Marketer and Filter Transporter. The company's current used oil processor permit (307171-HO-004) was issued on December 7, 2017 and expires on December 7, 2022. The facility later applied for and obtained a permit as a used oil processor in order to be able to store oil more than 35 days. The facility currently does not market used oil fuel directly to burners. The Department has conducted numerous Hazardous Waste inspections of this facility, most recently on May 23 and 31, 2017. Loren Dorwart (formerly January) accompanied the inspectors during the March 8, 2019, inspection.

Process Description:

January is a used oil, used oil filter and oily waste transporter and storage facility and a wastewater transporter. The facility has not completed their 2018-2019 Used Oil Transporter/Used Oil Filter registration which should have been submitted by March 1, 2018. Based on this, the Department issued a letter to January on August 23, 2018, notifying them that they were no longer authorized to transport, or market used oil, or used oil filters. Additionally, the 2019-2020 Used Oil Transporter/Used Oil Filter registration has not been submitted by March 1, 2019 as required. The most recent Certificate of Liability Insurance, effective from January 25, 2019 through January 25, 2020, was submitted to the Department on February 20, 2019. The Annual Report by Used Oil and Used Filter Handlers was not submitted by March 1, 2018, for 2017; nor has the Annual Report by Used Oil and Used Filter Handlers was not submitted by March 1, 2019, for 2018.

The facility does not have full time office employees; Mrs. Dorwart provides administrative services as needed. For the past several years, two drivers work from this location (Leandro Torres and Cruz Torres). The facility picks up waste products from its customers. Wastewater is not brought back to the facility but transported directly to Aqua Clean Environmental Company (EPA ID #FLR000193466) for processing. Used

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oil, oily water and used oil filters are consolidated and stored on-site prior to transportation for final treatment and disposal. Mrs. Dorwart stated that the used oil side of the business at this location has been much reduced as January lost a customer that was responsible for most of their used oil volume. January does not accept used oil or oily water from other transporters. The facility does not collect public used oil. While January was processing used oil using a centrifuge and a vibratory screen in the past, all processing equipment was removed from the facility in the spring of 2017.

At the time of this inspection, the facility's wastewater truck was on the road and Used Oil Truck #15 was parked next to the rail car loading rack on the north side of the facility. The TIF XL-1A meter, which usually kept in Used Oil Truck #15, was available for inspection in the facility's laboratory. The meter is used to screen used oil for halogen content prior to accepting the used oil from their customers. Tanker Trailer #113, which was empty, was located on the east side of the main building. No rail cars were on-site at the time of the inspection. According to Mrs. Dorwart, the most recent rail shipment was for 20,000-gallons of used oil on January 3, 2019.

The facility has six white 24,000-gallon aboveground storage tanks (ASTs) which are used to store used oil. These ASTs are registered with the Department's Storage Tank Program, facility ID # 53/ 9101026. The electronic gauge was not functional at the time of the inspection. According to Mrs. Dorwart, Tank #103 contained approximately 1,500-gallons of used oil and Tank #106 contained approximately 15,000-gallons of used oil; and the remaining tanks (Tank #101, Tank #102, Tank #104, and Tank #105) were empty. At the time of the inspection the containment around the tank farm was in good repair, did not contain any free liquids, and appeared to be adequate to contain the volume of the tanks

A green AST has been installed in a separate containment area attached to the existing containment; at the time of the inspection this tank was empty. A second green AST and two silver AST were observed laying on their sides in the yard west of the tank farm; all three are empty. Please note that if any of these ASTs is to be used to store regulated materials they must comply with all regulatory requirements. Regulated tanks are required to be registered 30 days prior to installation, or within 30 days of changing from a waste water or process tank to a regulated used oil storage tank. In addition, a permit modification may be needed if the storage capacity of the facility is increased. Nineteen, mostly empty, used oil filter bins were present on the paved area west of the tank farm. An empty tanker trailer was also located in this area along with and two roll-off containers. According to Mrs. Dorwart, the roll offs contained yard waste and scrap material. Waste solids from the used oil operations were not present at the time of the inspection.

While most used oil collected from their clients is pumped into Used Oil Truck #15, some of their clients collect these wastes in drums which are brought back to the facility. Drummed used oil is stored inside the warehouse prior to being pumped out of the drums to the used oil tanks. Used oil filters are consolidated into the used oil bins until there are enough for a shipment. Several containers of waste from clients were observed within the main building storage area: two 55-gallon metal drums labelled "waste oil;" six bins of used oil filters; and one 55-gallon metal drum of used oil filters were observed. Please note that mislabeled used oil drums from clients should be correctly relabeled as "used oil" while being stored at the facility. Additionally, several containers generated by January were also stored in the warehouse: two properly labeled polypropylene drums used to collect used oil samples, one polypropylene properly labeled drum of oily pads.

Outbound shipments of used oil were shipped to Aaron Oil, Saraland, Alabama (EPA ID #ALD983180233) until the end of 2016/beginning of 2017. Since that time, all outbound shipments go to January Environmental Services in Oklahoma (EPA ID #OKD042146324). Used oil filters are being sent to US Foundry in Miami.

Paperwork review during the inspection include four outbound shipments of used oil via road (two 5,500-gallon shipments on October 23, 2018, one 5,500-gallon shipment on October 24, 2018, and one 5,500-gallon shipment on November 1, 2018) and one outbound shipment of 20,000-gallon of used oil via rail on January 3, 2019. Four inbound bills of lading from 2018 were reviewed: 650-gallons of used oil May 30, 2018; 1 bin of used oil filters on October 3, 2018; 375-gallons of used oil on October 5, 2018, and 475-gallons of used oil on December 27, 2018. All EPA identification numbers of the oil provider or designated facility were typically included on the bill of lading along with the results of the halogen screening performed prior to accepting used oil. The Department requests submittal of additional inbound and outbound records.

Training records have not been provided as requested during the records review. Records of driver training for 2018 and 2019 were not available on site. Daily inspections were present for days when the facility is

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open and monthly storage tank inspection records are maintained.

New Potential Violations and Areas of Concern:

Violations

Type: Violation
 Rule: 279.54(f), 62-710.401(6)
 Explanation: 40 CFR 279.54(f) and 62-710.401(6) F.A.C.:

Two 55-gallon metal drums labelled "waste oil;" six bins of used oil filters; and one 55-gallon metal drum of used oil filters were observed inside the warehouse. Containers and tanks used to store used oil must be clearly labeled with the words "used oil."

Corrective Action: Immediately relabel the drums as "used oil." Any mislabeled drums picked up from customers must be properly labeled when they arrive on-site.

Photo Attachments:

Drums labeled "waste oil" located inside the warehouse.



Type: Violation
 Rule: 62-710.500(1), 62-710.500(1)(a), 62-710.600(2)(a), 62-710.850(3)
 Explanation: 62-710.500(1): Failure to annually register used oil handling activities
 62-710.500(2): Failure to register used oil handling activities by March 1st of each year
 62-710.600(2)(a): Failure to become certified and to maintain certification by not registering annually and not complying with reporting and record keeping requirements
 62-710.850(3): Failure to register as a used oil filter transporter

The facility has not completed their 2018-2019 Used Oil Transporter/Used Oil Filter registration which should have been submitted by March 1, 2018. Based on this, the Department issued a letter to January on August 23, 2018, notifying them that they were no longer authorized to transport, or market used oil, or used oil filters. Additionally, the 2019-2020 Used Oil Transporter/Used Oil Filter registration has not been submitted by March 1, 2019 as required.

Corrective Action: Immediately submit all required documentation for the 2018-2019 and 2019-2020 registration for Used Oil and Used Oil Filter Transporters.

Type: Violation

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Rule: 62-710.510(1)

Explanation: 62-710.510(5), F.A.C.
The Annual Report by Used Oil and Used Filter Handlers was not submitted by March 1, 2018, for 2017; nor has the Annual Report by Used Oil and Used Filter Handlers was not submitted by March 1, 2019, for 2018.

Corrective Action: Immediately submit the Annual Report by Used Oil and Used Filter Handlers for 2017 and 2018.

Type: Violation

Rule: 62-710.600(2), 62-710.600(2)(c)

Explanation: 62-710.600(2)(c), F.A.C.:

Records of driver training for 2018 and 2019 were not available on site.

Corrective Action: Immediately provide the 2018 and 2019 (if due at this time) driver training records to the Department for review.

PHOTO ATTACHMENTS:

Used oil storage tanks, rail car loading rack, & Used Oil Truck #15.



Storage of customers wastes inside the warehouse.



Facility generated waste drums inside the warehouse.



19 used oil filter bins and empty tanker trailer in facility yard.



Conclusion:

The facility is not in compliance with state and federal hazardous waste regulations at the time of the inspection.

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1.0 - Pre-Inspection 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.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

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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.

Leslie Pedigo _____ Inspector _____
Principal Inspector Name **Principal Inspector Title**

Leslie Pedigo _____ DEP _____ 04/17/2019
Principal Inspector Signature **Organization** **Date**

Lindsay Sartory _____ Environmental Specialist II _____
Inspector Name **Inspector Title**

_____ FDEP/SWD _____
Organization

Loren Dorwart _____
Representative Name

January Environmental Servioces, Inc. _____
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.

Report Approvers:

Approver: Shannon Kennedy _____ **Inspection Approval Date:** 04/17/2019 _____