



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

August 12, 2019

VIA EMAIL: nramos@chemklean.com

Gregorio Nicolas Ramos, President
Chem Klean Corporation
9330 NW 100th Street
Medley, FL 33178

Re: Warning Letter #WL19-00057HW13SED
Chem Klean Corporation
EPA ID: FLR000231258
Miami Dade County

Dear Mr. Ramos:

A Hazardous Waste Compliance Evaluation Inspection was conducted at your facility on May 29, 2019. During this inspection, possible violations of chapter 403, Florida Statutes, chapters 62-710, Florida Administrative Code, and Title 40 of the Code of Federal Regulations Parts 279 were observed.

During the inspection, Department personnel noted the following:

- Failure to notify the Department as a Used Oil Transfer Facility
- Failure to include the facility's EPA ID on used oil manifests.

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, 403.161 and 403.727, Florida Statutes.

Please contact Romina Lancellotti, at (561) 681-6624, within **15 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 whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Chem Klean Corporation
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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,



Jason Andreotta, Director
Southeast District
Florida Department of Environmental Protection

JA/NB/js

Attachments: Hazardous Waste Inspection Report dated 5/29/2019

ec:

Jason Andreotta, SED via email Jason.andreotta@Floridadep.gov
Norva Blandin, SED via email Norva.blandin@Floridadep.gov
Romina Lancellotti, SED via email Romina.Lancellotti@floridadep.gov
Glen Perrigan, DWM via email Glen.Perrigan@Floridadep.gov



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

FACILITY INFORMATION:

Facility Name: Chem Klean Corp

On-Site Inspection Start Date: 05/29/2019

On-Site Inspection End Date: 05/29/2019

ME ID#: 133345

EPA ID#: FLR000231258

Facility Street Address: 9330 NW 100th St, Medley, FL 33178-1419

Contact Mailing Address: PO Box 821263, Pembroke Pines, FL 33082-1263

County Name: Miami-Dade

Contact Phone: (305) 863-7807

NOTIFIED AS:

Non-Handler

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility facility

INSPECTION PARTICIPANTS:

Principal Inspector: Justin Stark, Environmental Specialist II

Other Participants: Jared Heyns, Environmental Specialist II; Juliana Reis, Environmental Specialist I; Jason Gross, Environmental Specialist; Nicolas Ramos, General Manager; Christian Ramos, VP

LATITUDE / LONGITUDE: Lat 25° 51' 47.304" / Long 80° 20' 58.524"

NAIC 484110 - General Freight Trucking, Local

TYPE OF OWNERSHIP: Private

Introduction:

A Compliance Evaluation Inspection was conducted on Chem Klean Corp (CKC) and performed by Environmental Specialist II Justin Stark (Inspector) on behalf of the Florida Department of Environmental Protection (DEP) on May 29, 2019. The Inspector was accompanied by DEP representatives Jared Heyns; Environmental Specialist II, Juliana Reis; Environmental Specialist I, and CKC representatives Jason Gross; Environmental Specialist, Nicolas Ramos, General Manager, and Christian Ramos, VP.

The facility is situated on approximately 106,261 square feet property, has 7 employees, and is on public water and sewer. The facility has been operating on site since May of this year.

Notification history:

3/25/2019 - Notified as a Hazardous Waste Transporter, Used Oil Transporter, Used Oil Filter Transporter.

Inspection history:

Never Inspected by the Department at this location. CKC just moved to this location from 2356 W 80th St Suite 1, Hialeah, FL 33016 on May of 2019. The previous location was inspected by DEP on 12/4/2018 and no violations were found.

Process Description:

CKC is a transporter for Hazardous waste and Used Oil. Upon arriving at the facility, the inspectors showed CKC representatives their state issued credentials as required. The inspector toured the facility with CKC representatives and reviewed used oil and hazardous waste transporter practices. The inspectors toured two areas of the facility. The offices where administrative work is done, and no hazardous waste was observed, and the Warehouse.

Inspection Date: 05/29/2019

Warehouse:

Along with handling and disposing of Hazardous Waste, and Used Oil, CKC also transports products to generators like Mineral Spirits. CKC is not a transfer facility for Hazardous Waste, CKC instead transports Hazardous Waste directly to the next transporter or designated facility during the course of transportation (within 24 hours). CKC transports hazardous waste from the generator directly to the transfer facility Stericycle Specialty Waste Solutions (EPA ID FL000702985).

CKC transports used oil to its own facility where it stores its used oil. During the inspection the inspectors observed:

>> Five (5) 55-gallon drums for used oil, closed, properly labeled with the words "Used Oil", and on secondary containment pallets.

Upon observing these five (5) 55-gallon drums for used oil, the inspectors asked CKC to provide manifests to demonstrate the inbound and outbound documentation to verify how long the aforementioned drums have been on-site for. (The observations of the manifests will be discussed in the Record Review (C)).

The inspectors also observed:

- >> Eight (8) closed 55-gallon drums which contained non-hazardous rinse water.
- >> Twenty-two (22) closed 55-gallon drums which contained non-hazardous ink.
- >> Four (4) closed 55-gallon drums which contained non-hazardous waste water.
- >> One (1) closed 55-gallon drum which contained non-hazardous non destructing testing (NDT) water.
- >> Twenty-seven closed (27) cubic yard cardboard boxes which contained non-hazardous paper towels containment with ink.
- >> Two (2) closed 55-gallon drums which contained oily rags.
- >> Two (2) closed 55-gallon drums which contained used oil filters.
- >> One (1) closed 55-gallon drum which contained oily wastes.

During the time of inspection, no hazardous waste was observed on-site.

The facility has two (2) box trucks that are used to transport used oil and hazardous waste.

Both trucks have DOT placards displayed on the sides of the trucks, the transporters keep copies of the permits, notifications, contingency plan (in case of emergency) and manifests on the truck. Also, the trucks are properly identified for their corresponding wastes and have fire extinguishers and spill kits available on site.

Record Review:

A) Transport, receiving and shipping records were available for review at the time of inspection. The facility has maintained records since the start of operation and was advised to retain all records of transportation and training for 3 years. The facility was using an equivalent form to [62-710.901(2)].

B) For Hazardous Waste activities: Manifest records were available for review for hazardous waste. Hazardous waste is transported to the transfer facility Stericycle Specialty Waste Solutions, Inc. (EPA ID FL000702985). It is then transported by Stericycle (EPA ID MNS000110924) to its final destination Allworth, LLC (EPA ID ALD094476793) in Birmingham, Alabama. The last pick up of hazardous waste was on 05/23/2019. Generator EPA ID numbers were included on the manifests as well as Land Disposal Restriction forms.

C) For Used Oil activities: Manifest records were available for review for Used Oil. Used Oil is transported from its clients to CKC facility where it is stored on-site. Upon review of the manifests, it was observed that the five (5) 55-gallon drums for used oil had been on-site longer than 24 hours. The aforementioned drums had been on-site since May 6, 2019 (23 days). CKC was acting as a transfer facility of used oil without properly registering with the department. A transporter who store used oil on-site for longer than 24 hours, but less than 35 days, shall registered with DEP as required in 40 CFR 279.42(a) and 62-710.500(1)(a) F.A.C.

D) Insurance Liability - The facility provided the Department a certificate of liability insurance for hazardous waste and used oil. Name of the insurer is Westchester Surplus Insurance Company for the amount of One

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Million. Policy # 671474100-001. Expiration date: 12/20/2019.

E) Employee Training - Employees receive annual training which covers laws and regulations pertaining to used oil transporters under the Florida Administrative Code and the Federal Regulations, spill avoidance and emergency response procedures, and halogen testing. A FDEP approved PowerPoint presentation on Used Oil Transportation is also used for in-house training. Last in-house training was conducted on 02/7/2019. All transporters and employees handling hazardous waste and used oil receive an 8-hour Hazwoper refresher course from USF OTI Education Center. Last Hazwoper refresher was on 02/25/2018. This training included the RCRA rules for proper transportation of hazardous waste within the state of Florida.

F) Halogen Screening Procedure - The facility is testing for used oil halogen contents using the Chor-D-Tect 1000, manufactured by Dexsil Corporation. If oil is in excess of 1,000 ppm, it is managed as hazardous waste.

G) A SPCC and a contingency plan was available for review which includes emergency contacts and procedures for reporting and notifying local, state, and federal regulatory agencies. Last revision 02/2019.

H) Closure Plan - Although not required, the facility has a closure plan and it is up-to-date.

H) Permits - All permits were available for review.

>FLDEP HW Transporter Certificate of Approval and HW Transporter Registration Exp. 06/30/2020.

>FLDEP UO Transporter, UO Filter Transporter Exp. 06/30/2020.

I) The facility submitted their UO Annual Report on 02/27/2019.

J) CKC provided waste profiles for all the non hazardous waste observed on-site. The waste profiles provided confirm that all the non hazardous waste observed was indeed non hazardous.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	279.42(a), 62-710.500(1)(a)
Explanation:	CKC was acting as Used Oil Transfer facility without being registered as a Used Oil Transfer facility. The inspectors observed five (5) 55-gallon of used oil that have been stored on-site for 23 days
Corrective Action:	Please ensure the facility is properly registered as a Used Oil transfer facility. Please refill the 8700-12FL form and submit it to the Departments Division of Waste Management in Tallahassee.
	CKC updated and send the 8700-12FL to the Departments Division of Waste Management in Tallahassee on 5/29/2019

Type:	Violation
Rule:	279.46(a)(2)
Explanation:	CKC provided a used oil manifest via email on 6/6/2019 showing the five (5) 55-gallon drums of used oil that were observed on-site being moved off-site. However, the manifest was missing CKC EPA ID number. Additionally, CKC provided another manifests on 7/12/2019 showing its current used oil being taken off-site on 7/11/2019. This manifest was also missing the facility's EPA ID number.
Corrective Action:	Please ensure all future manifests include CKC EPA ID number. When CKC has its next bulk shipment of used oil taken by the transporter, please provide that manifest with the EPA ID number to show the facility has incorporated this.

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PHOTO ATTACHMENTS:

Front of The Facility



Used Oil Drums



Drums of Non-Hazardous Waste



Cardboard Boxes With Paper Towels with Containment Ink



Box Truck



Halogen Tester

**Conclusion:**

CKC was inspected as a Hazardous Waste Transporter, Used Oil Transporter, Used Oil Filter Transporter and was found to be out of compliance with State and Federal regulations during the time of inspection.

On 5/29/2019 CKC refilled the 8700-12FL form and sent it to the Departments Division of Waste Management in Tallahassee.

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CKC provided a used oil manifest via email on 6/6/2019 showing the five (5) 55-gallon drums of used oil that were observed on-site being transported off-site, the transporter was TG Oil Services (EPA ID FLR 000222836) who at the time was registered with the DEP as a Used Oil transporter; however, TG Oil Services is no longer registered with the DEP as of July 1, 2019. CKC must ensure it uses a transporter who is registered with DEP as required in 40 CFR 279.43. The manifest provided on 6/6/2019 was missing CKC EPA ID number. Additionally, CKC provided another manifest on 7/12/2019 showing its current used oil being taken off-site by EMC Oil (EPA ID FLR000000166) on 7/11/2019. This manifest was also missing the facility's EPA ID number. CKC must ensure all future manifests include CKC EPA ID number as required in 40 CFR 279.46(a)(2). The Department requested as part of the corrective action, that CKC shall provide the manifest of its next bulk shipment of used oil to demonstrate that this element has been incorporated.

To this date, this facility has not returned to compliance and one violation is pending for resolution.

Inspection Date: 05/29/2019

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	✓		

Inspection Date: 05/29/2019

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.

Justin Stark

Principal Inspector Name

Environmental Specialist II

Principal Inspector Title**Principal Inspector Signature**

DEP

Organization

07/16/2019

Date

Jared Heyns

Inspector Name

Environmental Specialist II

Inspector Title

DEP

Organization

Juliana Reis

Inspector Name

Environmental Specialist I

Inspector Title

DEP

Organization

Jason Gross

Representative Name

Environmental Specialist

Representative Title

CKC

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.

Nicolas Ramos

Representative Name

General Manager

Representative Title

CKC

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.

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Signed:

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Christian Ramos

Representative Name

VP

Representative Title

CKC

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:**

Norva Blandin

Inspection Approval Date:

07/16/2019