



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

FACILITY INFORMATION:

Facility Name: Crowley Liner Services
On-Site Inspection Start Date: 01/08/2020 **On-Site Inspection End Date:** 01/08/2020
ME ID#: 21129 **EPA ID#:** FL0000360560
Facility Street Address: 4300 Macintosh Rd, Fort Lauderdale, Florida 33316
Contact Mailing Address: 4300 McIntosh Road, Ft Lauderdale, Florida 33316
County Name: Broward **Contact Phone:** (305) 470-4087

NOTIFIED AS:

Transfer Facility, Transporter, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Transporter:** Commercial Waste, Transfer Facility

INSPECTION TYPE:

File Review Inspection for Hazardous Waste Transporter Facility
File Review Inspection for Hazardous Waste Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Jared T Heyns, Inspector
Norva Blandin, Environmental Administrator; Alannah Irwin, Environmental Specialist III;
Other Participants: Dwight Campbell, HSSE Manager

LATITUDE / LONGITUDE: Lat 26° 4' 5.4186" / Long 80° 7' 19.456"

NAIC: 512250 - Record Production and Distribution

TYPE OF OWNERSHIP: Private

Introduction:

A file review was conducted on 12/04/2019 for Crowley Liner Services, Inc. (Crowley) by Jared Heyns with the Florida Department of Environmental Protection (DEP) to determine compliance with the Federal and state hazardous waste regulations. This file review supplements the on-site inspection conducted on 05/28/2019.

Crowley has been operating at this location for over 30 years, employs approximately 250 people, and is connected to city utilities.

Inspection History:

Crowley was inspected on 05/28/2019 and was found to be out of compliance for operating as an unpermitted Treatment, Storage, and Disposal Facility (TSDF), having a lapse in Transporter registration status, and other labeling/management practices.

A meeting was held with facility representatives on 12/17/2019 to discuss the Warning Letter #WL19-00064HW06SED and the applicability of hazardous waste importer requirements.

Process Description:

Crowley is a transporter of hazardous materials and waste through its ocean-going barge and intermodal fleet transport operations. Crowley transports hazardous material/waste and other cargo between Puerto Rico, the U.S. Virgin Islands, other Caribbean ports, and Fort Lauderdale via triple-decked barges. Each barge is capable of accommodating over 400 trailers (cargo) which, upon arrival at their respective terminal destinations, are staged at the facility pending transport to final destinations.

The facility does not have the authority to open any of the cargo containers unless the U.S. Coast Guard or U.S.

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Customs mandates them to do so.

During the 12/17/2019 meeting, Department inspectors attempted to determine the applicability of hazardous waste importer requirements under 40 CFR 263.20(a), 262.84(b)(1), and 262.84(c). Under these requirements, the facility is responsible for notifying EPA in writing at least 60 days in advance of importing hazardous waste into the U.S. and properly manifesting all hazardous waste import shipments on a Uniform Hazardous Waste Manifest.

It was discovered during the 05/28/2019 facility inspection that Crowley imported one hazardous waste shipment in the last three years, on 04/06/2016. Prior to the 12/17/2019 meeting, Department inspectors had only received a bill-of-lading documenting this hazardous waste import shipment. Shipment #00162286UCS was on-site at the terminal from 04/06/2016 to 04/22/2016. During the 12/17/2019 meeting, facility representatives indicated this shipment may have been on behalf of the U.S. Government.

The Department followed-up the meeting with a Request for Additional Information dated 12/20/2019, with the facility's response due by 01/03/2020. On 12/30/2019, Crowley requested an extension of 15 days to make response. The due date for the response to the Request for Additional Information was extended to 01/18/2020. Crowley's response was received by the Department on 01/16/2020, with further clarification received on 01/21/2020. After reviewing the submittal, the Department determined the three importer violations did occur and are applicable to this case.

It was determined that this shipment was not on behalf of the U.S. Government. 33,068 pounds of hazardous waste were imported by Crowley from Port Au Prince, Haiti and documented only via a bill-of-lading. EPA was not notified of Crowley's intent to import hazardous waste into the U.S.

Crowley has since implemented a new Standard Operating Procedure for importing hazardous waste, and has designated a specific location on the terminal that will house any future hazardous waste shipments. The facility primarily transports biomedical waste, but would like to keep the hazardous waste transporter registration to allow for flexibility of facility operations.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.84(b)(1)
Explanation:	After conducting a file review for the facility, the Department determined that Crowley did not provide 60 days advance written notice to EPA of proposed trans-boundary movement of hazardous waste.
Corrective Action:	If the facility plans to continue importing hazardous waste shipments, please make written notice to EPA, at the addresses specified in 40 CFR 262.82(e), at least 60 days in advance of the next import shipment.
Type:	Violation
Rule:	262.84(c)
Explanation:	After conducting a file review for the facility, the Department determined that Crowley did not comply with RCRA manifest instructions for hazardous waste import shipments.
Corrective Action:	Please ensure that all future hazardous waste shipments are accompanied by the shipment's Uniform Hazardous Waste Manifest signed by the generator and meets all requirements of import shipments per 40 CFR 262.84(c).
Type:	Violation
Rule:	263.20(a)(2)
Explanation:	After conducting a file review for the facility, the Department determined that Crowley accepted a hazardous waste shipment without receiving a manifest signed by the generator.

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Corrective Action: Please ensure that all future hazardous waste shipments are accompanied by the shipment's Uniform Hazardous Waste Manifest signed by the generator.

Pre-existing Potential Violations and Areas of Concern:**Violations**

Type:	Violation
Rule:	262.11
Explanation:	The inspectors observed two (2) 55-gallon drums of an unknown liquid stored un-labeled outside the maintenance shop area. Facility staff suggested the contents were brake cleaner, but the facility shall provide a copy of the disposal record confirming if the waste was hazardous or not.
Corrective Action:	The facility determined the contents of both 55-gallon drums were non-hazardous brake cleaner, and provided the SDS sheet and disposal record on 06/24/2019 . Please ensure that all waste determinations are correctly done in the future.
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Type:	Violation
Rule:	263.11(a) , 62-730.150(2)(a)
Question Number:	6.1
Question:	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)
Explanation:	The facility had a lapse in notification status - the previous notification expired on 11/30/2018 and was not re-registered until 5/9/2019.
Corrective Action:	Please be sure in the future that the facility does not have any more lapses in registration status. The facility shall submit the re-registration to the Department at least sixty (60) days in advance of the expiration of the current registration which expires on 11/30/2019.
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Type:	Violation
Rule:	263.12
Explanation:	Facility stored hazardous waste-containing cargo containers mixed with non-hazardous cargo containers. After reviewing the facility's document submittal from 07/03/19, it was determined that a cargo container holding hazardous waste was stored for more than 10 days (16 days - 04/06/16 through 04/22/16). A transfer facility who accumulates hazardous waste for more than 10 days is an operator of a storage facility and is subject to the requirements of Rule 62-730 of the Florida Administrative Code Annotated [40 CFR Parts 264, 265, and 267].
Corrective Action:	Facility shall establish a separate staging area for hazardous waste-containing cargo containers. Also, please be sure that hazardous waste cargo containers are stored on-site for no more than 10 days. Otherwise, the facility will be operating as an unpermitted Treatment, Storage, and Disposal Facility (TSDF).
***This violation is pending resolution.	
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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:	Facility did not have manifest records readily available at the time of the inspection.

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Corrective Action: Facility shall submit to the Department manifest transfer records dating back to the previous three years.

***Facility submitted manifest records for previous three (3) years on 07/03/2019. No further action is required at this time.

Type: Violation

Rule: 273.13(a)

Explanation: Department inspectors observed a pallet of batteries outside exposed to the weather conditions.

Corrective Action: Please ensure that batteries are moved inside where they are protected from the weather elements. Please submit a picture to the Department of the corrective action.

***This violation is pending resolution.

Type: Violation

Rule: 279.22(c)(1) , 62-710.401(6)

Question Number: 5.13

Question: Double-walled or stored on an oil-impermeable surface with engineered secondary containment that has the capacity to hold 110% of the volume of the largest container within the secondary containment? 62-710.401(6)

Explanation: The facility stored 2 55-gallon drums outside uncovered, not placed on secondary containment, and not labeled with the words "Used Oil".

Corrective Action: No further action is required. The facility corrected this the day of the inspection.

Type: Violation

Rule: 62-710.850(5)(a)

Question Number: 5.25

Question: Are the used oil filter containers closed or otherwise protected from weather? 62-710.850(5)(a)

Explanation: The facility stored used oil filters in a 55-gallon drum that was not sealed and labeled with the words "Used Oil Filters".

Corrective Action: No further action is required. Facility corrected this at the time of the inspection.

Type: Violation

Rule: 62-730.160(3)

Explanation: The facility failed to conduct and document weekly container inspections of the hazardous waste-containing cargo containers when present at the port facility.

Corrective Action: The facility shall conduct and document inspections of the hazardous waste-containing cargo containers and keep the documentation logs for a period of three (3) years. If the facility does not have any hazardous waste containers on-site, this requirement is not applicable. For the period in which the facility was acting as a transfer facility (04/06/2016 through 04/22/2016) no weekly inspection logs were kept on-site.

Conclusion:

The following violations were discovered as a result of this file review:

> 40 CFR 263.20(a)(2) - failure of the facility to document a hazardous waste import shipment via a Uniform Hazardous Waste Manifest

> 40 CFR 262.84(b)(1) - failure of the facility to notify EPA at least 60 days in advance of importing hazardous

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waste

> 40 CFR 262.84(c) - failure of the facility to document a hazardous waste import shipment via a Uniform Hazardous Waste Manifest with all required elements

As of the date of this report, Crowley has resolved all violations.

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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

Jared T Heyns**Principal Investigator Name****Principal Investigator Signature**Inspector**Principal Investigator Title**DEP**Organization**01/28/2020**Date**Norva Blandin**Inspector Name**Environmental Administrator**Inspector Title**DEP**Organization**Alannah Irwin**Inspector Name**Environmental Specialist III**Inspector Title**DEP**Organization**Dwight Campbell**Representative Name**HSSE Manager**Representative Title**Crowley Liner Services**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:**01/28/2020