



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

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**FACILITY INFORMATION:**

**Facility Name:** Crowley Liner Services

**On-Site Inspection Start Date:** 05/28/2019

**On-Site Inspection End Date:** 05/28/2019

**ME ID#:** 21129

**EPA ID#:** FL0000360560

**Facility Street Address:** 4300 Macintosh Rd, Fort Lauderdale, FL 33316

**Contact Mailing Address:** 4300 McIntosh Road, Ft Lauderdale, FL 33316

**County Name:** Broward

**Contact Phone:** (305) 470-4087

**NOTIFIED AS:**

Transfer Facility

Transporter

VSQG

**INSPECTION TYPE:**

Routine Inspection for Transporter facility

Routine Inspection for Transfer Facility facility

Routine Inspection for VSQG (<100 kg/month) facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Jared T Heyns, Inspector

**Other Participants:** Norva Blandin, Environmental Manager; Romina Lancellotti, Inspector; Dwight Campbell, HSSE Manager; Shevon Spence, Supervisor, Freight Services; Joseph Beaudry, Manager, Maintenance

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

**NAIC** 512250 - Record Production and Distribution

**TYPE OF OWNERSHIP:** Private

**Introduction:**

On May 28th, 2019 (05/28/2019), three (3) representatives of the Florida Department of Environmental Protection (DEP) conducted a routine hazardous waste compliance evaluation inspection (CEI) of Crowley Liner Services, Inc. (Crowley).

During the inspection, Crowley was represented by Mr. Dwight Campbell, the HSSE Manager of the facility, Ms. Shevon Spence, the Supervisor of Freight Services, and Mr. Joseph Beaudry, the Maintenance Manager. DEP was represented by Ms. Norva Blandin, Environmental Manager, Ms. Romina Lancellotti, Environmental Specialist II, and Mr. Jared Heyns, Environmental Specialist II.

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

**Notification History:**

> The facility's most recent Hazardous Waste Generator Notification form (EPA Form 8700-12FL) was filed on May 9th, 2019 (05/09/2019), which identified Crowley as a Very Small Quantity Generator (VSQG) of hazardous waste and a Transporter of hazardous waste.

> Department inspectors noted that the facility had a lapse in notification status - the facility's previous notification expired on 11/30/2018 and was not re-registered until 05/09/2019. The current registration for the facility expires on 11/30/2019.

**Inspection History:**

Inspection Date: 05/28/2019

- > The most recent facility inspection conducted by DEP was on September 4th, 2012 (09/04/2012). This inspection resulted as In-Compliance.
- > Previous inspection was conducted on May 20th, 2010 (05/20/2010). This inspection resulted as In-Compliance.

Personal Protective Equipment (PPE) was required to enter the port facility. The inspectors wore safety boots, high-visibility vests, safety glasses, hearing protection, and hard hats throughout the walk-through portion of the inspection.

#### **Process Description:**

The Crowley facility consists of indoor offices, a storage/processing yard where all cargo containers are processed, and one (1) freight truck maintenance area. The entire facility is surrounded by a security fence.

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. Mr. Dwight Campbell accompanied the Department inspectors throughout the facility inspection.

#### **Cargo Container Processing Yard (Transfer facility):**

Facility does not take wastes off/out of cargo containers. They accept shipping containers, move them into the parking area, and ship them off all without unloading. Mr. Campbell stated that the only time any of the containers are opened is if the Coast Guard or Customs mandates it for an inspection. Based on the inspectors' observations, cargo containers received by Crowley that are identified as containing hazardous materials are not segregated to a hazardous materials-specified area. Mr. Campbell stated that the terminal planner controls the placement of all cargo containers. During the inspection, the inspectors were unable to determine if hazardous waste cargo containers were on-location. Additional information regarding this matter was requested by the Department on 06/03/2019. No visible leaks or issues were detected at any point during the inspection of the cargo container yard. However, it was observed that the USDA inspection dock did not have eye wash liquid in the station; Mr. Campbell stated that this was corrected in the e-mail submittal on 6/24/2019. Crowley has a contract with Cliff Berry Inc. (CBI) which describes CBI as their cleanup contractor in case of any environmental emergency response on their property at the port.

#### **Freight Truck Maintenance Shop:**

Facility performs maintenance on their own vehicles in a 12-bay maintenance shop and generates the following waste streams:

- > used oil - stored in 55-gallon drums; outdoors in a covered storage area; within secondary containment; managed by Cliff Berry
- > used oil filters - stored in 55-gallon drums; indoors; within secondary containment; managed by Cliff Berry
- > spent antifreeze - stored in 55-gallon drums; indoors; within secondary containment; managed by Cliff Berry
- > parts washer mineral spirits wastes - 2 System One parts washers; managed by Crystal Clean

There are 2 underground fuel tanks - one holding gasoline and one holding diesel. A gas and diesel filling station is located in this area. No issues were observed at the time of the inspection. These tanks are registered under the Tanks Program.

There is an underground 3-unit oily water separator system. Each unit is about 2000 gallons, all are maintained by Cliff Berry, and waste is picked up on annual basis.

During the inspection of the maintenance shop area, Department inspectors observed two (2) 55-gallon drums containing used oil that were stored outside uncovered and unlabeled, one (1) 55-gallon drum containing used oil filters that was not labeled or sealed, and one pallet of used batteries that was stored outside exposed to the weather elements. All of these violations were corrected the day of the inspection (after DEP inspectors left the facility) and Mr. Joseph Beaudry submitted photos of the corrective actions. Department inspectors also observed two (2) 55-gallon drums containing an unknown liquid that were stored outside and unlabeled. Mr. Beaudry suggested the contents of both drums were brake cleaner (non-

Inspection Date: 05/28/2019

hazardous) but an accurate waste determination has not been conducted by the facility. Mr. Beaudry followed up with the Department and stated that Cliff Berry took the drums off-site the next day (05/29/2019), and the content of both 55-gallon drums were indeed non-hazardous brake cleaner.

#### Records Review:

Before conducting the walk-through inspection portion, the DEP inspectors conducted a records review with Mr. Campbell and Ms. Shevon Spence. Most of the requested records were not available at the time of the inspection, and Department staff followed up with the facility to request the remaining records:

- > Documentation of daily container inspections (hazardous waste containing cargo containers only)(40 CFR 265 Subpart B).
- > SPCC/Contingency plan and notification letters to the authorities (including the facility's emergency coordinator and his/her job duties) - Submitted by Crowley on 6/24/2019.
- > Employee training in used oil and hazardous waste management from past 3 years including those employees that manage hazardous wastes (for example, planners, on site drivers, etc) and also, include hazardous materials under 49 CFR 1910 - Submitted by Crowley on 6/24/2019.
- > A copy of a Closure Plan demonstrating that the transfer facility will be closed in a manner which satisfies the closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112, 265.114, and 265.115 [as adopted by reference in subsection 62-730.180(2), FAC]. During the time of the inspection, the facility did not have any closure plan or closure estimate cost reports available for review.
- > Log of transfer waste (hazardous waste and pharmaceutical waste) inbound and outbound of the facility from three (3) years. This document should include generator name and ID #'s, manifest numbers, dates entering and leaving facility, and amount of HW and HW codes (Section 62-730.171 (6)) - A log of Manifested Waste was submitted by Crowley on 6/24/2019 but more detailed information (pertaining to amounts of and actual waste transported) was requested by the Department on 6/27/2019.
- > SOP documentation describing the facility's response plan pertaining to leaks and/or spills (40 CFR 263.30 and 263.31) - Submitted by Crowley on 6/24/2019.
- > Record of date of registration for the two underground storage tanks on-site (gasoline and diesel station) - Submitted by Crowley on 6/24/2019.

Financial responsibility: Records of the facility's Hazardous Waste Certification of Liability Insurance forms from the last three (3) years were available for review. According to the observations of the inspector, these Certification of Liability forms appeared to be complete and in-order. The facility provided proof of Pollution Liability Insurance policy covering up to two million dollars (\$2,000,000) through Old Republic Insurance Company that is effective from April 1, 2019 through April 1, 2020.

For the facility's used oil activities, Crowley has contracted the service of Cliff Berry Inc. to pick-up their used oil, used oil filters, oily water, oily rags, and spent solvent. All information and documentation appeared to be in order. At least three (3) years of records were available for review during the inspection.

As part of the inspection, it was unclear if the facility meets the Siting Requirements under 403.7211 Florida Statutes. Based on the inspector file review, it appears to be that the Crowley facility is currently located in an area that complies with the following: 1,000 yards from any residence; 1,000 yards from the egress road of a residential neighborhood; 1,500 yards from hospitals, prisons, schools, nursing homes, day care facilities, stadiums, places of worship, or similar sites where reasonable access to immediate evacuation is not available.

#### New Potential Violations and Areas of Concern:

##### Violations

Type:	Violation
Rule:	<b>262.11</b>
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

Inspection Date: 05/28/2019

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.  
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.

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Type: Violation  
Rule: 273.13(a)  
Explanation: Department inspectors observed a pallet of batteries outside exposed to the weather conditions.

Inspection Date: 05/28/2019

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.

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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.

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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.

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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.

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**PHOTO ATTACHMENTS:**

Inspection Date: 05/28/2019

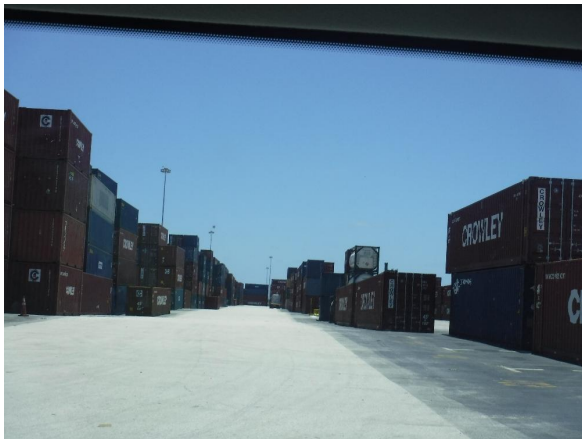
Drum containing used oil filters was properly labeled on-site



Facility moved used oil drums into covered storage area



Cargo container processing yard



USDA inspection dock



Pallet of batteries located outside the maintenance shop



One of two full service Crystal Clean parts washers



Inspection Date: 05/28/2019

Located in maintenance shop (contains SDS's & spill response info)



Hazardous material containers co-mingled with non-hazardous



### Conclusion:

A hazardous waste compliance inspection was conducted on this date, to determine the 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.

An exit interview was provided (via email) to Mr. Campbell on 6/3/2019. In the exit interview, the Department requested that Crowley resolve the potential non-compliance issues observed during the inspection by undertaking any and all necessary corrective actions. Furthermore, the Department requested (in the exit interview email) that Crowley submit photographs/documentation illustrating that the facility has resolved all potential non-compliance issues by 6/17/2019. Mr. Campbell requested a week extension on 6/17/2019 to submit the requested information by close-of-business on 6/24/2019.

On 6/24/2019, the Department received (via email) a corrective actions submittal package from Mr. Campbell, which included documentation indicating that the following corrective actions had been undertaken:

- > SPCC/Contingency Plan which contained the Emergency Coordinator's information (Mr. Dwight Campbell), as well as notification to the local responding authorities.
- > Employee training records.
- > Log of Manifested Waste.
- > Facility license to operate Underground Storage Tanks.

After this submittal, the Department requested additional information regarding all manifests of hazardous waste dating back to 2016 be submitted by close-of-business 07/03/2019.

On 07/03/2019, the Department received (via email) all manifests dating back to 2016. Only one manifest (#HAIN6M000092, dated 04/06/16) detailed a transfer of hazardous waste from Port Au Prince, Haiti (flammable, corrosive, and toxic liquids) - all other manifests were loads containing bio-medical or non-regulated wastes. After review, this cargo container of hazardous waste was present at the port facility for a period of sixteen (16) days from 04/06/2016 to 04/22/2016. Based on this information, it appears that Crowley has not operated as a hazardous waste transfer facility after this shipment was picked up by the second hazardous waste transporter.

On 07/09/2019, the Department also requested any and all manifests of Crowley-generated hazardous waste shipped out of the facility as part of spill response or cleanup be submitted by close-of-business 07/12/2019. As mentioned in the inspection report, Crowley has a contract with CBI to cleanup any spills/leaks and no manifests have been received by the Department detailing any response/cleanup wastes.

As of 07/15/2019, the Department is further reviewing the facility's corrective action submittal package in order to determine if the facility is compliant with all applicable regulations, and plans to continue working with Mr. Dwight Campbell, Ms. Shevon Spence, and Crowley staff.

Inspection Date: 05/28/2019



Inspection Date: 05/28/2019

**2.0 - VSQG 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.	Standards for Very Small Quantity Generators	Yes	No	N/A
2.1	Generator Size Determination (If the answer is No for any one question then facility is not a VSQG)			
2.2	Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous wastes? 262.14(a)(1)	✓		
2.3	Does the facility generate less than 1kg/mo of acutely toxic (P-listed, 40 CFR 261.33(e)) hazardous wastes? 262.14(a)(1)	✓		
2.4	Does the facility accumulate onsite no greater than 1,000 Kilograms (2,200 pounds) of hazardous waste at any one time? 262.14(a)(4)	✓		
2.5	Does the facility accumulate onsite less than a total of 1 kg of acute hazardous waste listed in 261.31 or 261.33(e)? 262.14(a)(3)	✓		
Item No.	Hazardous Waste Determination	Yes	No	N/A
2.6	Has the facility properly identified all hazardous waste streams? (Check any that are not OK) 262.11 <input type="checkbox"/> Is it excluded under 261.4? <input type="checkbox"/> Is it listed in subpart D of 261 or appendix IX of 261? <input type="checkbox"/> Has the waste been analyzed? <input type="checkbox"/> Has generator knowledge of the hazard characteristics of the waste in light of the materials used been applied?	✓		
Item No.	Record Keeping	Yes	No	N/A
2.7	Has the facility documented delivery of its hazardous waste to a facility permitted or authorized to accept the waste? (Check any that are not OK) 262.14(a)(5) <input type="checkbox"/> Name and address of the generator and TSD/authorized facility. <input type="checkbox"/> Type and amount of hazardous waste delivered. <input type="checkbox"/> Date of shipment	✓		
2.8	Are written records and other receipts documenting proper disposal retained for at least 3 years? 62-730.030(2)	✓		

Inspection Date: 05/28/2019

**5.0 - Used Oil Generator 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.	Used Oil Container and Tank Management	Yes	No	N/A
5.1	Does the facility store used oil only in tanks, containers or permitted hazardous waste storage units? 279.22(a)	✓		
5.2	Are used oil containers/tanks in good condition? 279.22(b)(1)	✓		
5.3	Are used oil containers/tanks not leaking? 279.22(b)(2)	✓		
5.4	Are used oil containers/tanks labeled or marked clearly with the words "Used Oil"? 279.22(c)(1)	✓		
5.5	Are fill pipes used to fill underground tanks labeled or marked clearly with the words "Used Oil"? 279.22(c)(2)			✓
Item No.	Secondary Containment	Yes	No	N/A
5.6	Are containers/tanks 55-gallons or smaller that are stored inside:			
5.7	Stored on an oil-impermeable surface? 62-710.401(6)	✓		
5.8	Are containers/tanks larger than 55-gallons that are stored inside:			
5.9	Stored on an oil-impermeable surface? 62-710.401(6)	✓		
5.10	Does the building provide adequate secondary containment, or are the containers/tanks double-walled, or stored within or on engineered secondary containment that has the capacity to hold 110% of the volume of the largest container/tank, or are the containers/tanks portable/wheeled and typically emptied every 24 hours? 62-710.401(6)	✓		
5.11	Are containers/tanks (regardless of size) that are stored outside:			
5.12	Closed or otherwise protected from the weather? 62-710.401(6)	✓		
5.13	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)		✓	
Item No.	Used Oil Releases	Yes	No	N/A
5.14	Has the generator, upon detection of a release, done all of the following, as applicable:			
5.15	stop the release? 279.22(d)(1)	✓		
5.16	contain the released oil? 279.22(d)(2)	✓		
5.17	clean up and manage properly the released used oil and other materials? 279.22(d)(3)	✓		
5.18	if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service? 279.22(d)(4)	✓		
5.19	Is the facility in compliance with the prohibition against discharges of used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters? 62-710.401(2)	✓		
5.20	Is the facility in compliance with the prohibition against using used oil for road or pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment? 62-710.401(5)	✓		
Item No.	Used Oil Filter Container Management	Yes	No	N/A
5.21	Does the facility store used oil filters in containers? 62-710.850(5)(a)	✓		
5.22	Are the used oil filter containers clearly labeled "Used Oil Filters"? 62-710.850(5)(a)	✓		
5.23	Are the used oil filter containers in good condition? 62-710.850(5)(a)	✓		
5.24	Are the used oil filter containers not leaking? 62-710.850(5)(a)	✓		
5.25	Are the used oil filter containers closed or otherwise protected from weather? 62-710.850(5)(a)		✓	

Inspection Date: 05/28/2019

Item No.	Used Oil Filter Container Management	Yes	No	N/A
5.26	Are the used oil filter containers stored on an oil-impervious surface? 62-710.850(5)(a)	✓		
Item No.	Releases from Used Oil Filter Containers	Yes	No	N/A
5.27	Has the generator, upon detection of a release, done all of the following, as applicable:			
5.28	stop the release? 62-710.850(5)(b)	✓		
5.29	contain the released oil? 62-710.850(5)(b)	✓		
5.30	clean up and manage properly the released oil and any subsequent oily waste? 62-710.850(5)(b)-710.850(5)(b)	✓		
5.31	repair or replace any leaking used oil filter storage containers prior to returning them to service? 662-710.850(5)(b)4	✓		
Item No.	Used Oil Mixtures	Yes	No	N/A
	<input type="checkbox"/> Is the facility a VSQG that mixes hazardous waste with used oil and manages the mixture under 279? Note: VSQGs can mix both listed and characteristic wastes with used oil.			
	<input type="checkbox"/> Is the facility a SQG or LQG that is mixing listed waste (except for listed waste that only is listed because it exhibits a characteristic - see question below) with used oil? [VSQGs may mix HW and used oil, but they must maintain disposal documentation per 62-730.030(3), FAC.] If so:			
5.32	Is the mixture being managed as listed hazardous waste? 279.10(b)(1)			✓
	<input type="checkbox"/> Is the facility a SQG or LQG that mixes only characteristic waste (or listed waste that only exhibits a characteristic) with used oil? [NOTE: This is also considered HW Treatment and other rules apply. However, VSQGs may mix HW and used oil, but they must maintain disposal documentation per 62-730.030(3), FAC.] If so:			
5.33	Is ignitability the only characteristic of the hazardous waste prior to mixing (or is the HW listed only for ignitability)? If so:			
5.34	Is the mixture managed as HW if it exhibits the ignitability characteristic? 279.10(b)(2)(iii)			✓
5.35	Does the hazardous waste exhibit ANY characteristic other than ignitability prior to mixing (or is the HW listed only for a characteristic other than ignitability)? If so:			
5.36	Is the mixture managed as HW if it exhibits ANY characteristic (even if the characteristic of the mixture is from the used oil, rather than from the HW)? 279.10(b)(2)(i)			✓
5.37	Does the facility generate mixtures of other materials contaminated with used oil (i.e. absorbents, rags, dirt)? If so:			
5.38	Are UO-contaminated materials that contain visible free-flowing UO managed under 279 used oil standards? 279.10(c)(3)			✓
5.39	Does the facility either manage UO-contaminated materials that do not contain visible free-flowing UO as hazardous waste have records documenting the materials are not hazardous waste? 279.10(c)(1)(ii)			✓
5.40	Are UO-contaminated materials that will be burned for energy recovery being managed as used oil under 279? (Used oil-contaminated materials should have a heating value of at least 5000 Btu/pound to be burned for energy recovery under 279, so low-Btu-value materials like contaminated soils and clay absorbents are solid waste, subject to 262 HW determinations.) 279.10(c)(3)			✓
5.41	Does the facility generate mixtures of used oil with fuel or fuel products? If so:			
5.42	Does the facility manage mixtures of UO and fuel/fuel products under 279 used oil standards? [Note: 279.10(d)(2) allows on-site mixing of UO with diesel fuel for use in the generator's own vehicles.] 279.10(d)(1)			✓
5.43	Is the facility in compliance with the prohibition against mixing or commingling used oil with solid waste that is to be disposed of in landfills or directly disposing of used oil in landfills? (Persons unknowingly disposing into a landfill used oil or used oil filters which have not been properly segregated or separated from other solid wastes by the generator are not subject to this prohibition. Oily waste, sorbents or other materials used for maintenance or clean up as a result of spills or release are not subject to this prohibition.) 62-710.401(3)	✓		
5.44	Is the facility in compliance with the prohibition against mixing or commingling used oil with hazardous substances that make it unsuitable for recycling or beneficial use? (Notwithstanding the provisions found in 40 CFR 279.10(b)(3)). 62-710.401(4)	✓		
Item No.	Space Heaters	Yes	No	N/A
5.45	Does the generator burn used oil on-site in a used oil-fired space heater? [Generators who burn off site, non household oil, or burn oil in devices not meeting the space heater exemption must comply with 40 CFR 279 - Subpart G.]			
5.46	If so, does the facility burn only used oil generated on-site or only household DIY used oil? 279.23(a)			✓
5.47	If so, does the heater have a capacity of no more than 0.5 million BTU/hr? 279.23(b)			✓
5.48	If so, are combustion gasses vented to the atmosphere? 279.23(c)			✓

Inspection Date: 05/28/2019

Item No.	Off-site Shipments	Yes	No	N/A
5.49	Does the generator only use transporters who have received EPA Identification numbers? (Include names and numbers in report narrative) 279.24	✓		
5.50	Self transport to collection centers - Does the generator only transport their own used oil and used oil from household DIY to a used oil collection center? If so:			
5.51	Does the generator transport the used oil in a vehicle owned by the generator or an employee of the generator? 279.24(a)(1)			✓
5.52	Does the generator transport no more than 55 gallons of used oil at one time? 279.24(a)(2)			✓
5.53	Does the generator transport the used oil to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil ? 279.24(a)(3)			✓
5.54	Self transport to aggregation points - Does the generator transport used oil that is generated at the generator's site to an aggregation point? If so:			
5.55	Does the generator transport the used oil in a vehicle owned by the generator or an employee of the generator? 279.24(b)(1)			✓
5.56	Does the generator transport no more than 55 gallons of used oil at one time? 279.24(b)(2)			✓
5.57	Does the generator transport the used oil to an aggregation point that is owned/operated by the same generator? 279.24(b)(3)			✓
5.58	Tolling Agreement - is the used oil transported and then reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor.re-refiner to the generator for use as a lubricant, cutting oil, or coolant? If so:			
5.59	Does the contract indicate the type and frequency of shipments? 279.24(c)(1)			✓
5.60	Does the contract indicate that the vehicle used to transport the used oil to the processing/re-refining facility is owned and operated by the used oil processor/re-refiner? 279.24(c)(2)			✓
5.61	Does the contract indicate that the reclaimed oil will be returned to the generator? 279.24(c)(3)			✓
Item No.	Marketing and Processing	Yes	No	N/A
	<input type="checkbox"/> Does the generator claim that the used oil meets the specification in 40 CFR 279.11? [If so, and the oil is to be burned for energy recovery, the generator is a marketer subject to 40 CFR 279 Subpart H.]			
	<input type="checkbox"/> Does the generator process used oil by filtering, oil/water separation or other methods prior to direct shipment to an off site used oil burner? [If so, the generator is also a used oil processor subject to 40 CFR 279 - Subpart F.]			

Inspection Date: 05/28/2019

**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	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 - VSQG 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)	✓		
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)	✓		
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)	✓		

Inspection Date: 05/28/2019

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)(a)? 62-730.150(2)(a)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

Inspection Date: 05/28/2019

**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.

Jared T Heyns

Inspector

**Principal Inspector Name****Principal Inspector Title**


DEP

07/15/2019

**Principal Inspector Signature****Organization****Date**

Norva Blandin

Environmental Manager

**Inspector Name****Inspector Title**

DEP

**Organization**

Romina Lancellotti

Inspector

**Inspector Name****Inspector Title**

DEP

**Organization**

Dwight Campbell

HSSE Manager

**Representative Name****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.

Shevon Spence

Supervisor, Freight Services

**Representative Name****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.

Inspection Date: 05/28/2019

**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.

Joseph Beaudry  
\_\_\_\_\_  
**Representative Name**

Manager, Maintenance  
\_\_\_\_\_  
**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:** 07/15/2019  
\_\_\_\_\_





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

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**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.

## Crowley Liner Services Inspection Report

Inspection Date: 01/08/2020

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.

## Crowley Liner Services Inspection Report

Inspection Date: 01/08/2020

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

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**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.

## Crowley Liner Services Inspection Report

Inspection Date: 01/08/2020

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

## Crowley Liner Services Inspection Report

Inspection Date: 01/08/2020

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.

## Crowley Liner Services Inspection Report

Inspection Date: 01/08/2020

### 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	✓		

## Crowley Liner Services Inspection Report

Inspection Date: 01/08/2020

**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 _____ <b>Principal Investigator Name</b>	Inspector _____ <b>Principal Investigator Title</b>
 _____ <b>Principal Investigator Signature</b>	DEP _____ <b>Organization</b>
	01/28/2020 _____ <b>Date</b>
Norva Blandin _____ <b>Inspector Name</b>	Environmental Administrator _____ <b>Inspector Title</b>
	DEP _____ <b>Organization</b>
Alannah Irwin _____ <b>Inspector Name</b>	Environmental Specialist III _____ <b>Inspector Title</b>
	DEP _____ <b>Organization</b>
Dwight Campbell _____ <b>Representative Name</b>	HSSE Manager _____ <b>Representative Title</b>
	Crowley Liner Services _____ <b>Organization</b>

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:**

<b>Approver:</b> Norva Blandin _____	<b>Inspection Approval Date:</b> 01/28/2020 _____
---	--

**From:** [Walker, Kim \(Waste\)](#)  
**To:** [Andreotta, Jason](#); [Davila, Sirena](#)  
**Cc:** [Bahr, Tim](#); [Booeshaghi, Teresa](#); [Perrigan, Glen](#); [Blandin, Norva](#); [Fisch, Ben](#); [Heyns, Jared](#); [WasteCAP](#)  
**Subject:** FW: Peer Review Memo - Package Crowley Liner Services EPA ID FL0000360560 SOUTHEAST DISTRICT  
**Date:** Friday, February 7, 2020 2:12:23 PM  
**Attachments:** [image002.png](#)  
[Crowley inspection report final.pdf](#)  
[File Review Inspection Report Final.pdf](#)  
[Hazardous Waste Peer Review Checklist Crowley.docx](#)  
[Peer Review Request Memo - Crowley Liner Services Inc..docx](#)  
[Penalty Worksheet - Crowley Liner Services Inc..docx](#)  
[image001.png](#)  
**Importance:** High

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Hi Jason and Sirena,

The Division of Waste Management has completed its review and concurs with the districts proposed enforcement response and draft penalty for Package Crowley Liner Services EPA ID FL0000360560. Please let us know if we can be of further assistance.

Have a good weekend,  
Kim



**Kim Walker**  
**Program Administrator**  
Florida Department of Environmental Protection  
Permitting and Compliance Assistance Program  
[Kim.Walker@dep.state.fl.us](mailto:Kim.Walker@dep.state.fl.us)  
(850) 245.8934

---

**From:** Blandin, Norva <[Norva.Blandin@FloridaDEP.gov](mailto:Norva.Blandin@FloridaDEP.gov)>  
**Sent:** Thursday, January 30, 2020 4:55 PM  
**To:** WasteCAP <[WasteCAP@floridadep.gov](mailto:WasteCAP@floridadep.gov)>  
**Cc:** Davila, Sirena <[Sirena.Davila@FloridaDEP.gov](mailto:Sirena.Davila@FloridaDEP.gov)>; Heyns, Jared <[Jared.Heyns@FloridaDEP.gov](mailto:Jared.Heyns@FloridaDEP.gov)>  
**Subject:** RE: Peer Review Memo - Package Crowley Liner Services EPA ID FL0000360560 SOUTHEAST DISTRICT

Just a correction: the total of the penalty is **\$ 20,840.**

**Norva Blandin, MSEM**  
**Environmental Administrator**  
**Compliance Assurance Program (CAP)**  
Florida Department of Environmental Protection





Southeast District – West Palm Beach  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
[Norva.Blandin@floridadep.gov](mailto:Norva.Blandin@floridadep.gov)  
Office: 561.681.6728  
Main: 561.681.6600  
Fax: 561-681-6755

**Good leadership is not advancing yourself. It is advancing your team**

*The Department of Environmental Protection values your feedback as a customer. Please take a few minutes to comment on the quality of service you received by completing the [DEP Customer Survey](#).*

---

**From:** Blandin, Norva  
**Sent:** Thursday, January 30, 2020 4:49 PM  
**To:** WasteCAP <[WasteCAP@floridadep.gov](mailto:WasteCAP@floridadep.gov)>  
**Cc:** Davila, Sirena <[Sirena.Davila@FloridaDEP.gov](mailto:Sirena.Davila@FloridaDEP.gov)>; Heyns, Jared <[Jared.Heyns@FloridaDEP.gov](mailto:Jared.Heyns@FloridaDEP.gov)>  
**Subject:** Peer Review Memo - Package Crowley Liner Services EPA ID FLO000360560 SOUTHEAST DISTRICT  
**Importance:** High

All,

Please view the links below to all of the Crowley peer review package. The file folder is located [here](#). The penalty total is **\$20,280**, therefore no CPAM is needed for this case.

- [Final IR](#)
- [Peer Review Memo](#)
- [Penalty Worksheet](#) w/ EcoBen and Violation Justification
- [Penalty Spreadsheet](#) w/ Harm Ranking and Guidelines
- [File Review Final IR](#)

Today is day **251**. The District expects to resolve this case before day **300** via SFCO.

Best regards,



**Norva Blandin, MSEM**  
**Environmental Administrator**  
**Compliance Assurance Program (CAP)**  
Florida Department of Environmental Protection  
Southeast District – West Palm Beach  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
[Norva.Blandin@floridadep.gov](mailto:Norva.Blandin@floridadep.gov)  
Office: 561.681.6728  
Main: 561.681.6600  
Fax: 561-681-6755

Good leadership is not advancing yourself. It is advancing your team

*The Department of Environmental Protection values your feedback as a customer. Please take a few minutes to comment on the quality of service you received by completing the [DEP Customer Survey](#).*

## Warning Letter Peer Review Checklist Hazardous Waste

Facility Name: Package Crowley Liner Services				
EPA ID #: FL0000360560				
Peer Review Conducted By: Ben Fisch				
Date: 2/4/2020				
		YES	NO	Notes
	<b>FORMAL OR INFORMAL RESPONSE</b>			
	If the facility is a first-time violator, did the facility know or have reason to know actions were illegal?		X	
	If the facility is a first time violator, did the facility refuse to correct the problems?		X	The facility is actively working to correct all violations
	If the facility is a first time violator, did the violations result in harm to public health or the environment?		X	
	If the violations caused no actual harm to human health or the environment this time, did one or more violations create a situation where a significant potential threat to human health (including workers at the facility) or the environment occurred?	X		The facility failed to register with the Department as a Hazardous Waste Transporter, and thus was not implementing the hazardous waste management standards required of Hazardous Waste Transporters
	Did the violations deviate substantially from the terms of a permit, order, agreement, or from RCRA statutory or regulatory requirements?	X		The facility deviated from RCRA requirements.
	If the facility has received a CAV/CEI from DEP in the past, were the new violations similar to issues identified in the previous inspection.		X	
	If the facility has been notified of their waste management responsibilities and provided compliance assistance by the county SQG program (per 403.7234), should the violations have been avoided?		X	County has not accompanied DEP on an inspection of this facility
	Does the facility have a history of recalcitrant or non-compliant behavior?		X	
	Would taking an enforcement action in this situation enhance consistent application and statewide consistency?	X		
	If the violations facilitated an apparent economic benefit for the facility, will enforcement eliminate economic benefits gained by noncompliance?		X	
	Will enforcement provide a financial disincentive to discourage future violations not only for the violator but also by others contemplating similar activities?	X		
	Did the facility <u>not</u> adequately address all violations within 240 days?		X	The facility is working to adequately resolve all open violations by Day 240
	Was the facility identified as a Significant Non-Complier (SNC) in data?	X		

Peer Review Request  
Crowley Liner Services, Inc.  
January 29, 2020

TO: KIM WALKER  
PROGRAM ADMINISTRATOR  
WASTE MANAGEMENT

THROUGH: Sirena Davila, Assistant Director  
Southeast District

FROM: Norva Blandin, MSEM  
CAP Environmental Administrator  
Southeast District

Jared Heyns, Environmental Specialist II  
Southeast District

DATE: January 29, 2020

SUBJECT: Peer Review Request – Crowley Liner Services, Inc.

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We are requesting a peer review for the following case:

**Alleged Violators:** Crowley Liner Services, Inc.

**Location of facilities:** 4300 McIntosh Road, Fort Lauderdale, FL 33316

**Facility ID:** FL0000360560

**Facts necessary to conclude a violation has occurred:**

Crowley Liner Services, Inc. (Crowley) is a transporter of hazardous materials and hazardous waste through its ocean-going barge and intermodal fleet transport operations. Crowley transports hazardous waste/materials and other cargo between Haiti, Puerto Rico, the U.S. Virgin Islands, other Caribbean ports, and Fort Lauderdale via triple-decker barges. Each barge can accommodate over 400 cargo trailers (cargo) which, upon arrival at their respective terminal destinations, are staged at the facility pending transport to final destinations. Crowley also notified as a 10-day hazardous waste transfer facility.

On May 28, 2019, Southeast District (SED) personnel conducted a routine inspection of Crowley to evaluate compliance with the regulatory standards of Transporters/Transfer facilities of hazardous waste. The inspection report cited a total of eight violations related to transporter and transfer facility standards stipulated in 40 CFR Parts 262, 263, 273, and 279, as well as Rules 62-710.850 and 62-730.160 of the Florida Administrative Code (F.A.C.).

A Warning Letter was issued on August 21, 2019 requesting a meeting to discuss the findings listed on the final inspection report. The meeting was conducted on December 17, 2019.

A file review was conducted by the Department on 12/04/2019 to determine the applicability of hazardous waste importer requirements. As of that date, the Department has added three violations pertaining to the import of hazardous waste (violations #9, 10, &11).

The Department issued a Request for Additional Information on 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.

As of this date, all violations have been resolved. The District expects to resolve this case with a Short Form Consent Order (SFCO), if the settlement offer is accepted by the Respondent.

**Specific regulations allegedly violated:**

**1. 40 CFR 262.11 – Hazardous Waste Determination @ MIN/MIN**

Crowley failed to conduct proper hazardous waste determinations for two 55-gallon steel drums observed outside the freight truck maintenance shop. Both drums were analyzed and determined to be non-hazardous used brake cleaner. The Department will not pursue this violation for penalty purposes due to the contents being non-hazardous. **Violation resolved.**

**2. 40 CFR 263.11(a), Rule 62-730.150(2)(a) F.A.C. – Lapse in Transporter notification status @ MIN/MOD**

Crowley failed to maintain a continuous notification status. The facility's transporter notification expired on 11/30/2018 and was not re-registered until 05/09/2019 (a period of five months, nine days). However, based on the record review and discussion with facility staff, Crowley did not transport any hazardous waste during this lapse in registration. **Violation resolved.**

**3. 40 CFR 263.12 – Transfer facility requirements @ MOD/MAJ**

Crowley exceeded the 10-day hazardous waste storage time limit for Transfer facilities. A shipment of 15,000 kg of hazardous waste, held within a cargo container, was on-site at the facility for a period of 16 days, from 04/06/2016 to 04/22/2016. This was the only known occurrence where the 10-day hazardous waste storage time limit was exceeded. **Violation resolved.**

**4. 40 CFR 263.22(a) – Recordkeeping @ MIN/MIN**

Manifest transfer records were not made readily available to Department inspectors at the time of the inspection. **Violation resolved via document submittal on 07/03/2019.**

**5. 40 CFR 273.13(a) – Unit Management @ MIN/MIN**

Department inspectors observed a pallet of spent lead-acid batteries which was stored outside exposed to the elements. However, it was discovered that none of the batteries were leaking or damaged. **Violation resolved at the time of the inspection.**

**6. 40 CFR 279.22(c)(1), Rule 62-710.401(6) F.A.C. – Unit Management @ MIN/MIN**

Department inspectors observed two 55-gallon steel drums containing used oil which were stored outside uncovered, not placed on secondary containment, and not labeled with the words “Used Oil”. **Violation resolved at the time of the inspection.**

**7. Rule 62-710.850(5)(a) – Unit Management @ MIN/MIN**

Department inspectors observed one 55-gallon steel drum containing used oil filters which was not sealed and labeled with the words “Used Oil Filters”. **Violation resolved at the time of the inspection.**

**8. Rule 62-730.160(3) – Unit Management @ MIN/MIN**

Crowley failed to document the weekly hazardous waste container inspections for all hazardous waste cargo containers while on-site. **Violation resolved.**

**9. 40 CFR 263.20(a)(2) – Manifest Requirements @ MOD/MOD**

The facility failed to receive a Uniform Hazardous Waste Manifest before importing a hazardous waste shipment. **Violation resolved via document submittal on 01/21/2020.**

**10.&11. 40 CFR 262.84(b)(1) & 40 CFR 262.84(c) – Importer Requirements @ MIN/MIN**

The facility failed to notify EPA of the proposed transboundary movement of hazardous waste at least 60 days in advance of receiving the shipment and to document this shipment via a Uniform Hazardous Waste Manifest containing all required elements. **Violations resolved via document submittal on 01/21/2020.**

**Total Penalty Proposal:     \$20,840.00**

**Proposed Enforcement & Penalty Calculation In lieu of Compliance Assistance:**

As indicated on the attached penalty calculation worksheets, the District has calculated a total civil penalty of **\$20,840.00** (including Department costs) for this case.

Economic Benefit was calculated for one violation. The economic benefit was calculated for not obtaining a hazardous waste storage operational permit. Based on this, Economic Benefit is not being pursued in this case because it was calculated at \$1,580.00<sup>1</sup>.

**Why compliance without enforcement is not an appropriate alternative:**

One violation in this case is considered as significant non-compliance (SNC):

- 40 CFR 263.12 –Hazardous Waste Transfer facility requirements – facility acting as an unpermitted hazardous waste storage facility by exceeding the 10-day storage limit for Transfer facilities.

Based on the compliance history, the facility has been inspected eight times and has had zero enforcement cases with the Department since 2000.

<sup>1</sup> Florida RCRA Hazardous Waste Program-Economic Benefit Calculation Guidance

**PENALTY COMPUTATION WORKSHEET**

Violator's Name: Crowley Liner Services, Inc.

Identify Violator's Facility: 4300 McIntosh Rd., Fort Lauderdale, FL 33316

Name of Department Staff Responsible for the Penalty Computations: Jared Heyns

Warning Letter #: WL19-00064HW06SED                      Date: 01/29/2020

Violation Type		OGC Enforcement Manual Guidelines	Potential for Harm	Extent of Deviation	Matrix Range	Total
1	40 CFR 262.11 Hazardous Waste Determination	HW Page 4	Minor	Minor #1	\$710 \$150	Not pursued
2	40 CFR 263.11(a) Lapse in Transporter notification status	HW Page 4	Minor	Moderate #2	\$2,130 \$710	\$710
3	40 CFR 263.12 Transfer facility requirements	HW Page 5	Moderate	Major #2	\$15,580 \$11,330	\$11,330
4	40 CFR 263.22(a) – Recordkeeping	HW Page 3	Minor	Minor #4	\$710 \$150	\$150
5	40 CFR 273.13(a) – Unit Management	HW Page 9	Minor	Minor #1	\$710 \$150	\$150
6	40 CFR 279.22(c)(1), Rule 62-710.401(6) – Unit Management	UO Page 7	Minor	Minor #1	\$710 \$150	\$150
7	Rule 62-710.850(5)(a) – Unit Management	UO Page 7	Minor	Minor #2	\$710 \$150	\$150
8	Rule 62-730.160(3) – Unit Management	HW Page 7	Minor	Minor #1	\$710 \$150	\$150
9	40 CFR 263.20(a)(2) – Manifest requirements	HW Page 3	Moderate	Moderate #2	\$11,330 \$7,090	\$7,090
10,11	40 CFR 262.84(b)(1) & 262.84(c) – Importer requirements	DEP 923 (Page 7 of 23)	Minor	Minor	\$710 \$150	\$710
<b>SUB-TOTAL</b>						<b>\$20,590</b>
Department costs						<b>\$250.00</b>
Economic Benefit Costs (not pursued)						<b>\$1,580.00</b>
<b>TOTAL</b>						<b>\$20,840.00</b>



**TOTAL Penalties Including Department Costs: \$20,840.00**

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Jason Andreotta  
Southeast District Director  
Florida Department of Environmental Protection

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Date

## PENALTY JUSTIFICATION / DEVIATION WORKSHEET

FACILITY NAME: Crowley Liner Services, Inc. Date: 01/29/2020

EPA ID No.: FL0000360560

Case #: 19-1601

*Use this worksheet to explain all deviations from the program specific guidelines for characterizing violations and for all violations that do not have a specific penalty guideline included within the Enforcement Manual.*

### ***Violation #1 – 40 CFR 262.11 – Hazardous Waste Determination @ MIN/MIN***

The Department will not pursue a penalty for this violation because only one waste stream did not have an accurate waste determination and this waste stream was verified to be non-hazardous. It was determined to be used brake cleaner that does not exhibit any hazardous waste characteristics, as described in 40 CFR 261, Subpart C, and is not listed under 40 CFR 261, Subpart D.

### ***Violation #10&11 – 40 CFR 262.84(b)(1) / 262.84(c) – Importer Requirements @ MIN/MIN***

After receiving Crowley's response to the Department's Request for Additional Information, the Department will pursue this violation. The facility failed to notify EPA of the proposed transboundary movement of hazardous waste at least 60 days in advance of receiving the shipment and failed to document a 15,000 kg shipment via a Uniform Hazardous Waste Manifest containing all required elements. Since the violations are both pertaining to Importer Requirements under the OGC Guidelines for Characterizing Hazardous Waste Violations, the two violations were compressed because both violations are related. Due to the compression of the violations, the top of the matrix cell was selected by the Department. Minor/Minor was selected based on DEP 923 (Page 7 of 23) due to the facility meeting most of the requirements and a low potential for harm.

This violation involves a "minor potential for harm" and a "minor extent of deviation" from the applicable hazardous waste regulations, placing the violation in the \$710 - \$150 matrix cell range. "Minor potential for harm" was chosen because not properly manifesting hazardous waste import shipments is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment. This specific violation isn't described in the "Guidelines for Characterizing Hazardous Waste Violations", therefore, the District used the "Settlement Guidelines for Civil and Administrative Penalties," DEP Directive 923, effective February 14, 2013, to determine the extent of deviation. According to DEP Directive 923, a violation is classified as "minor" when: "the violator deviates somewhat from the requirements of the law but most of the requirements are met". The facility met most of the importer requirements, documented this shipment via a bill-of-lading, ensured the shipment was properly

disposed of at Veolia ES Technical Solutions in Flanders, NJ, and this violation only occurred for one hazardous waste shipment.

### **Adjustment Factor**

DEP Directive 923 sets out various adjustment factors to be used when calculating a penalty. None of the adjustment factors were used for this penalty calculation. For settlement purposes, the bottom of the matrix was selected in this case for all violations.

## ECONOMIC BENEFIT WORKSHEET

FACILITY NAME: Crowley Liner Services, Inc.

Date: 01/29/2020

EPA ID No.: FL0000360560

Case #: 19-1601

### **Violation #3 - 40 CFR 263.12 – Non-Compliance with Transfer Facility requirements**

The average cost to obtain a hazardous waste storage operational permit is \$10,000. 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) before being shipped off to the destination facility. The Department will divide the cost of obtaining a hazardous waste storage operational permit by five years (as this is the only exceedance since 2016).

Economic Benefit = Avoided Cost (1- Corporate Tax Rate) + Delayed Cost (IRS Interest Rate)

$EB = AC (1 - T) + DC (I)$

Avoided Costs = \$10,000 (current amount for obtaining a hazardous waste operational permit)

Delayed Costs = \$ 0

T = Current Corporate Tax Rate (2018) = 0.21

I = IRS Interest Rate (2018) = 5 % per year

$EB = \$10,000 (1 - 0.21) + \$0(.05)$

$EB = \$7,900 + \$0$

$EB = \$7,900.00$

$EB / 5 = \$1,580$

The economic benefit was calculated for not obtaining a hazardous waste storage operational permit. Based on this, Economic Benefit is not being pursued in this case because it was calculated at \$1,580<sup>1</sup>.

<sup>1</sup> Florida RCRA Hazardous Waste Program-Economic Benefit Calculation Guidance