



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 15, 2021

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

Re: Warning Letter #WL21-51HW53SWD
January Environmental Services, Inc.
HW Facility ID #FLD982162943
Polk County

Dear Mr. January:

A Hazardous Waste inspection was conducted at your facility on February 26, 2021. During this inspection, possible violations of Chapter 376 and 403, Florida Statutes (F.S.), Chapter 62-730, Florida Administrative Code (F.A.C.), and Title 40, Code of Federal Regulation (CFR) Parts 262, 265, and 279 were observed.

During the inspection, Department personnel noted the following:

- The Annual Used Oil Transporter/Transfer Facility registration was not submitted for the 2018-2019 registration year. In addition, it was not submitted timely for 2019-2020, 2020-2021 or 2021-2022 registration years.
- The Annual Used Oil Filter Transporter/Transfer Facility registration was not submitted for the 2018-2019 registration year. In addition, it was not submitted timely for 2019-2020, 2020-2021 or 2021-2022 registration years.
- Annual Reports by Used Oil and Used Filter Handlers, which are required to be submitted by March 1 of the following year, have not been timely for 2018, 2019, or 2020.
- Verification of employee training for 2019 and 2020 were not available and have not been provided.

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

Please contact Michael Lynch, at (813) 470-5746, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Mary E. Yeargan, PG
Southwest District Director
Florida Department of Environmental Protection

Attachments: 02/26/2021 Inspection Report

ec: Loren Dorwart, January Environmental Services; Loren@januaryservices.com
Michael Lynch, FDEP; Micheal.Lynch@dep.state.fl.us
Leslie Pedigo, FDEP; Leslie.Pedigo@dep.state.fl.us



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

FACILITY INFORMATION:

Facility Name: January Environmental Services Inc
On-Site Inspection Start Date: 02/26/2021 **On-Site Inspection End Date:** 02/26/2021
ME ID#: 46304 **EPA ID#:** FLD982162943
Facility Street Address: 1920 Hwy 60 W Main St, Bartow, Florida 33830-0000
Contact Mailing Address: 1920 Highway 60 West, Bartow, Florida 33830
County Name: Polk **Contact Phone:** (863) 534-8478

NOTIFIED AS:

Non-Handler, Used Oil

WASTE ACTIVITIES:

Generator: Non-Handler **Used Oil:** Oil Filters, Processor

INSPECTION TYPE:

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

INSPECTION PARTICIPANTS:

Principal Inspector: Leslie Pedigo, Inspector
Other Participants: Shannon Lenhart, Environmental Specialist II; Loren Dorwart, Manager

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

NAIC: 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

January Environmental Services (January) was inspected on February 25, 2021 to determine the facility's compliance with used oil transporter and transfer facility rules. The facility was originally notified as a small quantity generator on March 25, 1988, under the name Ashland Chemical Company. In 2004, January submitted notification as a Used Oil Transporter, Transfer Facility, Marketer and Filter Transporter. The Department has conducted numerous Hazardous Waste inspections of this facility, most recently on March 8, 2019. Loren Dorwart, Manager, accompanied the inspectors during the inspection.

Process Description:

January is a used oil, used oil filter and oily waste transporter and storage facility and a wastewater transporter. The 5.18-acre property was purchased by January Transport, Inc., on October 20, 2004. The facility consists of a 5,414 square foot building which houses offices, a laboratory and warehouse, a used oil tank farm, and a rail spur. The facility does not have full time office employees; Mrs. Dorwart provides administrative services as needed. Currently, one driver works from this location (Cruz Torres). The facility is open from 8 a.m. to 5 p.m., Monday through Friday. The City of Bartow provides sewer and potable water services. The facility's fire extinguishers were last certified in June of 2020, in addition the facility has pull fire alarms and first aid kits were present.

The company's current used oil processor permit (307171-HO-004) was issued on December 7, 2017 and expires on December 7, 2022. The used oil processor permit allows used oil to be stored oil on site for more than 35 days. The facility is not currently processing the used oil received from customers and has not been since 2017.

The 2020-2021 Used Oil Transporter/Transfer Facility and Used Oil Filter Transporter/Transfer Facility

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registration (proof of insurance, renotification using form 8700 and registration fees) were due by March 1, 2020. Proof of insurance (effective from January 25, 2020 through January 25, 2021), renotification and registration fees were not received until January 4, 2021 and the 2020-2021 Used Oil Transporter/Used Oil Filter registration was issued on January 20, 2021. As such, the facility operated as a used oil and used oil filter transporter and transfer facility without the required registration from July 1, 2020 through January 19, 2021. The most recent Certificate of Liability Insurance, effective from January 25, 2021 through January 25, 2022, was submitted to the Department on March 1, 2021 as part of the 2021-2022 Used Oil Transporter/Used Oil Filter registration renewal package.

The facility picks up waste products (wastewater, used oil and used oil filters) from its customers. In the past, used oil and used oil filter transportation and storage made up the majority of January's business, however over the past few years this side of the business has tapered off significantly. Used oil collected from customers in the used oil truck or tanker trailers is pumped into the used oil aboveground storage tanks (ASTs) using the overhead used oil loading rack adjacent to the railroad spur. Used oil brought back to the facility in smaller containers is also pumped into the used oil ASTs. The two used oil tanker trailers are used to transport the used oil to used oil processing facilities. January does not accept used oil or oily water from other transporters nor collect public used oil. Used oil filters brought back to the facility in smaller containers are consolidated into large metal bins and stored on-site prior to transportation for final treatment and disposal. The facility is under contract with Aqua Clean Environmental Company (EPA ID #FLR000193466) to transport wastewater; wastewater is not brought back to the facility but transported directly to Aqua Clean Environmental Company for processing.

Vehicles

Tanker Trailer #113 is used to haul wastewater; Tanker Trailer #182 and Tanker Trailer #187 are used to haul used oil. All three were on site and were empty at the time of the inspection. Used Oil Truck #15 was also located next to the overhead used oil loading rack adjacent to the railroad spur. The TIF XL-1A Halogen meter was not observed in Truck #15 at the time of the inspection. The Department requested that Mrs. Dorwart determine the location of the meter and provide that information to the Department. To date, this information has not been received. According to Mrs. Dorwart, at the time of the inspection the flatbed trailer was on the road hauling fourteen large metal bins of used oil filters to US Foundry in Miami for disposal. While the facility does have a railroad spur, according to Mrs. Dorwart, the most recent rail shipment was for 20,000-gallons of used oil on January 3, 2019.

Registered Aboveground Storage Tanks

The facility has six white 24,000-gallon aboveground storage tanks (ASTs) which are used to store used oil. These ASTs are registered with the Department's Storage Tank Program, facility ID # 53/ 9101026. The electronic gauge was not functional at the time of the inspection. According information provided by Mrs. Dorwart following the inspection on March 4, 2021, Tank #105 contained approximately 2,000-gallons of used oil and Tank #106 contained approximately 3,000-gallons of used oil; the remaining tanks (Tank #101, Tank #102, Tank #103, and Tank #104) were empty. At the time of the inspection the containment around the tank farm was in good condition, did not contain any free liquids, and appeared to be adequate to contain the volume of the tanks

Other Storage Tanks and Containers located outside

A green AST has been installed in a separate containment area attached to the existing containment; at the time of the inspection this tank was empty. A second green AST and two silver ASTs were observed laying on their sides in the yard west of the tank farm; all three are empty. Please note that if any of these ASTs are to be used to store regulated materials they must comply with all regulatory requirements. Regulated tanks are required to be registered 30 days prior to installation, or within 30 days of changing from a wastewater or process tank to a regulated used oil storage tank. In addition, a permit modification may be needed if the storage capacity of the facility is increased.

During the 2017 and 2019 inspections, large metal used oil filter bins were being stored on the paved area west of the tank farm. Due to the reduced volume of used oil filters being managed at the facility, all used oil filter containers are now being stored inside the warehouse. No other containers or roll offs were present at the time of the inspection.

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Waste Storage Inside the Warehouse Building

While most used oil collected from their clients is pumped into Used Oil Truck #15, some of their clients collect these wastes in drums which are brought back to the facility. Drummed used oil is stored inside the warehouse prior to being pumped out of the drums to the used oil tanks. Used oil filters are consolidated into large metal used oil filter bins until there are enough for a shipment. At the time of the inspection, eight empty large metal used oil filter bins and a number of empty metal 55-gallon drums were being stored in the main warehouse. Located in a room off of the main warehouse were two labeled 55-gallon metal drums containing used absorbents, two labeled 35-gallon metal drums containing grease, 1 55-gallon polypropylene drum containing petroleum contact water (PCW), and three 55-gallon metal drums for the collection of laboratory sample waste (used oil).

Laboratory

The on-site laboratory is used to test the water content of the used oil prior to the used oil being shipped from the facility. The facility's second TIF XL-1A Halogen meter was located in the laboratory.

Records

Annual Used Oil Transporter/Transfer Facility and Used Oil Filter Transporter/Transfer Facility registration documents and fees, which are required to be submitted by March 1 for the upcoming July 1 to June 30 registration year, were not submitted for the 2018-2019 registration year and have not been timely submitted for the 2019-2020, 2020-2021 or 2021-2022 registration years as noted below:

- The 2018-2019 Used Oil Transporter/Transfer Facility and Used Oil Filter Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2018. Proof of insurance (effective from January 25, 2018 through January 25, 2019) was received September 25, 2018. 8700 form received was never submitted. The facility was issued a registration expiration letter on August 23, 2018; however, the facility never completed the registration requirements and the 2018-2019 Used Oil Transporter/Used Oil Filter registration was not issued.
- The 2019-2020 Used Oil Transporter/Transfer Facility and Used Oil Filter Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2019. Proof of insurance (effective from January 25, 2019 through January 25, 2020) was received February 20, 2019. Renotification was received April 30, 2019. The 2019-2020 Used Oil Transporter/Used Oil Filter registration was issued on May 7, 2019.
- The 2020-2021 Used Oil Transporter/Transfer Facility and Used Oil Filter Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2020. Proof of insurance (effective from January 25, 2020 through January 25, 2021) was received January 4, 2021. Renotification was received on January 4, 2021. The 2020-2021 Used Oil Transporter/Used Oil Filter registration was issued on January 20, 2021.
- The 2021-2022 Used Oil Transporter/Transfer Facility and Used Oil Filter Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2021. Proof of insurance (effective from January 25, 2021 through January 25, 2022) was received March 1, 2021. Renotification was received on March 2, 2021 (via email). The 2020-2021 Used Oil Transporter/Used Oil Filter registration is currently being processed by the Department.

Annual Report by Used Oil and Used Filter Handlers, which are required to be submitted by March 1 of the following year, have not been timely submitted as noted below:

- The 2017 Annual Report by Used Oil and Used Filter Handlers, due by March 1, 2018, was not submitted until April 17, 2019.
- The 2018 Annual Report by Used Oil and Used Filter Handlers, due by March 1, 2019, was not submitted until April 17, 2019.
- The 2019 Annual Report by Used Oil and Used Filter Handlers, due by March 1, 2020, was not submitted until January 4, 2021.

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- The 2020 Annual Report by Used Oil and Used Filter Handlers, due March 1, 2021, was submitted on March 2, 2021.

Outbound shipments have always been shipped to the facility's sister facility January Environmental Services in Oklahoma (EPA ID #OKD042146324). Outbound shipments of used oil were shipped to Origin Texas Recycling, LLC (previously Flex Oil; EPA ID #TXR000036244). Used oil filters are being sent to US Foundry in Miami.

Paperwork review during the inspection included a number of outbound shipments of used oil via road. The most recent outbound shipments were on December 23, 2020 for 6,500-gallons to January Environmental Services in Oklahoma; December 31, 2020 for 55,356-gallons to Origin Texas Recycling, LLC; January 4, 2021 for 6,352-gallons to Origin Texas Recycling, LLC; January 6, 2021 for 6,500-gallon to January Environmental Services in Oklahoma; and January 14, 2021 for 6,294-gallons to Origin Texas Recycling, LLC.

Inbound bills of lading from 2020 and 2021 were reviewed. All EPA identification numbers of the oil generator were typically included on the bill of lading along with the results of the halogen screening performed prior to accepting used oil. The facility is primarily collecting used oil and used oil filters approximately weekly from two Linder Industrial Machinery facilities, one in Plant City (EPA ID #FLD984181784) and one in Fort Myers (EPA ID #FL0000747063).

Training records have not been provided as requested during the records review. Records of driver training for 2019 and 2020 were not available on site.

Daily inspections are entered into an electronic database for days when the facility is open and are printed monthly. Monthly storage tank inspection records as required under Chapter 62-762, F.A.C., are maintained.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-710.500(1) , 62-710.500(2)
Explanation:	<p>Annual Used Oil Transporter/Transfer Facility registration, which are required to be submitted by March 1 for the upcoming July 1 to June 30 registration year, were not submitted for the 2018-2019 registration year and have not been timely submitted for the 2019-2020, 2020-2021 or 2021-2022 registration years as noted below:</p> <ul style="list-style-type: none"> • The 2018-2019 Used Oil Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2018. Proof of insurance (effective from January 25, 2018 through January 25, 2019) was received September 25, 2018. 8700 form received was never submitted. The facility was issued a registration expiration letter on August 23, 2018; however, the facility never completed the registration requirements and the 2018-2019 Used Oil Transporter/Transfer Facility registration was not issued. • The 2019-2020 Used Oil Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2019. Proof of insurance (effective from January 25, 2019 through January 25, 2020) was received February 20, 2019. Renotification was received April 30, 2019. The 2019-2020 Used Oil Transporter/Transfer Facility registration was issued on May 7, 2019. • The 2020-2021 Used Oil Transporter/Transfer Facility registration (proof of insurance, renotification using form 8700 and registration fees) were due March 1, 2020. Proof of insurance (effective from January 25, 2020 through January 25, 2021) was received January 4, 2021. Renotification was received on January 4, 2021. The 2020-2021 Used Oil Transporter/Transfer Facility registration was issued on January 20, 2021. • The 2021-2022 Used Oil Transporter/Transfer registration (proof of insurance,

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renotification using form 8700 and registration fees) were due March 1, 2021. Proof of insurance (effective from January 25, 2021 through January 25, 2022) was received March 1, 2021. Renotification was received on March 2, 2021 (via email). The 2020-2021 Used Oil Transporter/Transfer Facility registration is currently being processed by the Department.

62-710.500(1)(a), F.A.C., requires that Used oil transporters, except for the operations listed in 40 C.F.R. 279.40(a)(1)-(4), [as adopted in subsection 62-710.210(2), F.A.C.], and transfer facilities shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity."

62-710.500(2), F.A.C., requires that the registration form shall be accompanied by a registration fee of \$100.00 per facility. It is not necessary to submit more than one form or fee if registering more than one activity, or if the registration is for an entire transportation fleet operating out of one facility site. The registration form and fee shall be due by March 1 of each year. The registration fee is waived for used oil processing facilities for which a permit fee was paid under rule 62-710.800, F.A.C.

62-710.600(2)(a), F.A.C., requires that used oil transporters register annually with the Department and comply with the annual reporting and record keeping requirements pursuant to rules 62-710.500 and 62-710.510, F.A.C.

Corrective Action: Corrected: Moving forward, ensure that Used Oil Transporter/Transfer Facility registration documents and fees are submitted by March 1 for the upcoming July 1 to June 30 registration year.

Type: Violation

Rule: 62-710.510(5)

Explanation: Annual Report by Used Oil and Used Filter Handlers, which are required to be submitted by March 1 of the following year, have not been timely submitted as noted below:

- The 2017 Annual Report by Used Oil and Used Filter Handlers, due by March 1, 2018, was not submitted until April 17, 2019.
- The 2018 Annual Report by Used Oil and Used Filter Handlers, due by March 1, 2019, was not submitted until April 17, 2019.
- The 2019 Annual Report by Used Oil and Used Filter Handlers, due by March 1, 2020, was not submitted until January 4, 2021.
- The 2020 Annual Report by Used Oil and Used Filter Handlers, due March 1, 2021, was submitted on March 2, 2021.

62-710.510(5), F.A.C. requires that by no later than March 1 of each year, each person required to register in accordance with rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3), "Annual Report by Used Oil and Used Oil Filter Handlers," effective date 4-23-13, which is hereby adopted and incorporated by reference.

Corrective Action: Corrected: Moving forward, Annual Report by Used Oil and Used Filter Handlers must be submitted on or before March 1 for the preceding calendar year.

Type: Violation

Rule: 62-710.600(2)(c)

Explanation: Records of driver training for 2019 and 2020 were not available on site.

62-710.600(2)(c), F.A.C. requires that to become certified and to maintain certification,

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used oil transporters shall maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections.

Corrective Action: Immediately provide the 2019 and 2020 driver training records to the Department for review.

Type: Violation

Rule: 62-710.850(3) , 62-710.850(3)(a) , 62-710.850(3)(b)

Explanation: Annual Used Oil Filter Transporter/Transfer Facility registration, which are required to be submitted by March 1 for the upcoming July 1 to June 30 registration year, were not submitted for the 2018-2019 registration year and have not been timely submitted for the 2019-2020, 2020-2021 or 2021-2022 registration years as noted below:

- The 2018-2019 Used Oil Filter Transporter/Transfer Facility registration (registration fees) were due March 1, 2018. The facility was issued a registration expiration letter on August 23, 2018; however, the facility never completed the registration requirements and the 2018-2019 Used Oil Filter Transporter/Transfer Facility registration was not issued.
- The 2019-2020 Used Oil Filter Transporter/Transfer Facility registration (registration fees) were due March 1, 2019. Following receipt of the registration fees, 2019-2020 Used Oil Transporter/Used Oil Filter registration was issued on May 7, 2019.
- The 2020-2021 Used Oil Filter Transporter/Transfer Facility registration (registration fees) were due March 1, 2020. Following receipt of the registration fees, 2020-2021 Used Oil Transporter/Used Oil Filter registration was issued on January 20, 2021.
- The 2021-2022 Used Oil Filter Transporter/Transfer Facility registration (registration fees) were due March 1, 2021. The 2020-2021 Used Oil Transporter/Used Oil Filter registration is currently being processed by the Department.

62-710.850(3), F.A.C., require that used oil filter transporters and used oil filter transfer facilities register with the Department in accordance with the requirements of subsections 62-710.500(2) and (4), F.A.C.

Corrective Action: Corrected: Moving forward, ensure that all required annual Used Oil Filter Transporter/Transfer Facility registration documents and fees are submitted by March 1 for the upcoming July 1 to June 30 registration year.

PHOTO ATTACHMENTS:

Overhead used oil loading rack



Used Oil Truck #15



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Used Oil aboveground storage tanks (ASTs)



AST containment dry and in good repair



Out of services ASTs



Wastewater tanker trailer



Used oil tanker trailers



Empty drums in the warehouse



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Empty used oil filter bins



Used absorbent and grease drums



Laboratory sample collection drums



Conclusion:

The facility was not in compliance with state and federal used oil/used oil filter transfer, transporter and processor regulations at the time of the inspection.

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1.0: Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

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

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737 & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C

Leslie Pedigo**Principal Investigator Name****Principal Investigator Signature**Inspector**Principal Investigator Title**DEP**Organization**03/09/2021**Date**Shannon Lenhart**Inspector Name**Environmental Specialist II**Inspector Title**FDEP/SWD**Organization**Loren Dorwart**Representative Name**Manager**Representative Title**January Environmental
Services, Inc.**Organization**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:**Approver:** Michael C Lynch**Inspection Approval Date:**03/10/2021