Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Cummins LLC

On-Site Inspection Start Date: 06/15/2021 **On-Site Inspection End Date:** 06/15/2021

ME ID#: 111685 **EPA ID#:** FLR000233379

Facility Street Address: 6350 NW 167th St, Miami Lakes, Florida 33014-6107

Contact Mailing Address: 5515 Frontage Road, Forest Park, Georgia 30297-1605

County Name: Miami-Dade **Contact Phone:** (305) 821-4200

NOTIFIED AS:

Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Used Oil:** Oil Filters

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter Facility

Routine Inspection for Used Oil Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Romina J Lancellotti, Inspector

Other Participants: Patrick Scott, Environmental Specialist I; Cole Pajunen, Environmental Specialist II; Michael Erlick, General Manager

LATITUDE / LONGITUDE: Lat 25° 55' 22.6956" / Long 80° 18' 11.844"

NAIC: 811111 - General Automotive Repair

TYPE OF OWNERSHIP: Private

Introduction:

On June 15, 2021 (06/15/2021), Romina Lancellotti with the Florida Department of Environmental Protection (FDEP) conducted a routine compliance evaluation inspection (CEI) at Cummins LLC. (hereinafter Cummins or facility), located at 6350 NW 167th Street, Miami Lakes, FL 33014. Cummins was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, 273 and 279 adopted and incorporated by reference in Rule 62-730, 737, and 710 Florida Administrative Code (F.A.C.). The inspector was accompanied by Cole Pajunen, and Patrick Scott from the FDEP.

The inspectors were escorted around the facility by Michael Erlick, General Manager. Upon arrival at the facility the inspectors presented their credentials and explained the purpose of the inspection.

Cummins occupies 27,000 square feet and is connected to public water and sewer of city of Miami Lakes. The facility has been operating at its current location since 01/01/2016 and employs 32 staff. The facility operates Monday through Friday from 7:30 am to 5 pm.

Notification History:
Cummins initially notified with the Department as a Very Small Quantity Generator (VSQG) of hazardous waste and as transporter of used oil on 12/09/2019. The facility was assigned the EPA Identification (EPAID) Number FLR000233379. The facility most recently notified as VSQG, a transporter and transfer facility of used oil and used oil filters on 01/20/2021. Registration expires on 06/30/2022.

Inspection History:
The facility has never been inspected by the Department.

Safety boots, vest, and googles were the only Personal Protective Equipment (PPE) required to enter the facility.

Process Description:

The facility is a privately-owned maintenance and repair shop tailored to specifically servicing Cummins brand diesel engines for commercial vehicles and power supplies. Cummins provides services of maintenance and repairs to large vehicles and private transformers on-site and at the clients' site. No painting is performed by the facility.

As result of these activities, the facility generates used oil, used oil filters, used antifreeze, oily rags, and spent aerosol cans.

The inspectors walked through the facility and inspected all potential points of generation for hazardous waste. These included the Shipping and Receiving Warehouse, the Shop & Service Division, central accumulation area, and shaded storage area.

Office area
The inspectors had a brief pre inspection meeting in the manager's office. Inspectors walked around offices and no hazardous waste, used oil, or universal waste were observed.

Maintenance Shop
The Maintenance Shop is located adjacent to the offices. The Shop consists of a warehouse divided in six bays with two entrances to the west and east, where buses, engines, and vehicles are serviced by changing hydraulic fluids, filters, doing touch-up paints, mechanic maintenance and tire rotations and changes.

New oil needed for maintenance of equipment, is stored in one 500-gallon Above Storage Tank (AST), single wall, inside a secondary containment over concrete. This is located along the northeast side of the maintenance shop.

Used oil generated by the Maintenance Shop operations is drained from engines and filters into portable drain containers and then pumped into a 500-gallon AST in the central accumulation area.

During the time of the inspection, the inspectors observed the following:
>Two red 14-gallon containers for oily rags, labeled with the words "Oily Waste Can."
>Two parts washers installed over 55-gallon drums. Both maintained and serviced by Heritage Crystal Clean. These use nonhazardous Naphtha and are scheduled for service for recycling every 12 weeks.
>One 55-gallon yellow bin for oily absorbent pads, that are used to clean minor spills of used oil.

Shaded Storage Area
This area is located next to the warehouse and is used to store products such as Antifreeze/Coolant, grease, and others hydraulic fluids. Additionally, the inspector observed 16 spent lead-acid batteries over a pallet. Even though the batteries were in a shaded area, the inspector observed rainwater reaching the pallet. The inspector offered compliance assistance and requested the facility relocate spent batteries to an area protected from the weather. On 07/01/2021, the facility provided a picture demonstrating that the spent lead-acid batteries were relocated indoors to protect them from the elements.

The inspector also observed one aerosol can puncturing device installed over a 55-gallon drum labeled as "Hazardous Waste," with the purpose of collecting remaining liquids.

Oil Dispose Room/Accumulation Area
Facility representative explained that along the facility, there are sumps installed to collect water into an oil water separator system installed in the Oil Dispose Room/Accumulation Area.

The inspector observed the Water Maze oil/water separator system that consists of three 165-gallon stationary AST's. The first tank has an aluminum oxide filtration system, the second tank has a microbe filtration system, and the third tank is where the used oil is finally separated and removed for pick up.

The inspector observed:
>One 500-gallon single wall tank, labeled with the words "Used Oil," located indoors over concrete with an

accumulation sump as secondary containment.
>One labeled 55-gallon drum of used oil
>One labeled 55-gallon drum for used oil filters
>Four labeled 55-gallon drums for used antifreeze
>One 5-gallon bucket labeled "antifreeze"

The room is constructed of concrete and has a sump to collect spills. All runoff is collected and passed through the oil/water separator system.

Parking lot and Surroundings
Outside the warehouse shop is the parking lot where the fleet is located. The parking lot area surrounds the warehouse and front of the facility. The facility operates four service vans used for maintenances and repairs at the client's site. Facility representative informed that Cummins transports maximum 5-gallons of used oil at a time, using buckets. The inspectors walked through the parking lot to observe stormwater drains and there was no visual sign of used oil leaks into the drains.

Records Review

>Used oil shipment record log: The facility provided logs describing the quantity of used oil and used oil filters that have been shipped out. The logs contain generator address, service (SVC) date, inventory (INV) number, work order number (WO#), description, service interval (SVC INT), and quantity (QTY) shipped out.

Based on the log, the facility shipped out the following:
>4,590 gallons of used oil and twenty-eight 55-gallon drums of used oil filters in 2018
>5,090 gallons of used oil and twenty-eight 55-gallon drums of used oil filters in 2019
>8,633 gallons of used oil and six 55-gallon drums of used oil filters in 2020.

The facility provided used oil shipment records that occurred on 11/28/2018, 06/06/2019, and 04/23/2020.

The facility provided used oil filters shipment records that occurred on 02/08/2018, 06/20/2018, 10/29/2018, 02/05/2019, 05/15/2019, 10/23/2019, 03/23/2020, 09/08/2020, 12/07/2020.

The transporter and destination facility is Heritage-Crystal Clean, LLC. (EPA ID FLR000130062), located at 1300 NE 48th Street, Pompano Beach, FL 33064. This facility is registered as a transporter and transfer facility of used oil. Records also indicate the shipment of used antifreeze and oily absorbents.

The total amount of used oil and used oil filters above described, include all generated from onsite and offsite operations. The facility could not demonstrate the total amount of used oil and used oil filters transported by Cummins during the year, as required by 62-710.510(1), F.A.C.

The facility failed to implement the form 62-710.901(2) F.A.C. or equivalent required for all registered used oil transporters. Per 62-710.510(1) F.A.C., "each registered person shall maintain records on DEP Form 62-710.901(2), "Used Oil and Used Oil Filter Record Keeping Form and Instructions."

>Spent Solvent: Spent solvent recycling services were available at time of inspection. Last service was conducted on 06/01/2021; Heritage-Crystal Clean, LLC. (EPA ID FLR000130062), serviced two 30-gallon drums of non-DOT/RCRA regulated used parts solvent, non-haz NAPHTA, and one 55-gallon drum of non-hazardous absorbents/debris.

>Universal Waste Lamps: The facility submitted records to support that universal waste lamps are taken to an approved facility for recycling. Last shipment occurred on 10/18/2018.

>Spent Lead-Acid Batteries: Spent lead-acid battery cores are sent back to the distributor for recycling and credit. The distributor is North American Battery Systems (NABS). Records were provided.

>Training: The facility provided documentation demonstrating that the last training received by Cummins employees, prior to the inspection, occurred on 12/18/2020. Training included a brief review of HSE Used Oil Transporter, 40 CFR 279.43, Used oil transportation, used oil management practices, and spill response.

The facility informed the Department staff that on 07/01/2021 was scheduled to launch recordkeeping training to

comply with federal requirements for used oil transporters. Thus, the facility also provided records demonstrating that Cummins employees received recordkeeping training on 06/29/2021.

>Spill Prevention, Control and Countermeasure Plan (SPCC): The facility maintains a Tier I SPCC Plan, based on an EPA template. The plan was provided to the Department via submittals, on 07/01/2021.

>Certificate of Liability Insurance: The facility maintains a Certificate of Liability Insurance issued by Old Republic Insurance Company, which covers up to $2,000,000 for each accident. Policy number MWTB314312-20, issued on 12/01/2020.

>Annual Report: On 02/26/2021, FDEP received the annual report by used oil and used oil filter handlers, for 2020. The report indicated that the facility collected 8,853 gallons of used oil and 7,250 used oil filters.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-710.510(1)
Explanation:	The facility failed to implement the Form 62-710.901(2) F.A.C. or equivalent, as required for registered used oil transporters.
Corrective Action:	The facility shall implement the Form 62-710.901(2) F.A.C. or equivalent, as required for registered used oil transporters to track the amount of used oil and used oil filters transported by Cummins annually.

PHOTO ATTACHMENTS:

Front of the Facility



Products Stored in Shaded Area



Cummins LLC Inspection Report

Inspection Date: 06/15/2021

Puncturing Device



Water Maze Oil/Water Separator System



Fire Extinguisher



Labaled Hazardous Waste Drum for Drained Liquids from Aerosol Cans



Labeled 500-gallon Tank of Used Oil



Labeled Drum for Used Oil Filters



Parts Washer



Oily Rags Can and Safety Washer



Conclusion:

Cummins was inspected as a VSQG of hazardous waste, used oil transporter, used oil filter transporter, used oil transfer, and used oil transfer facility and was found to be out of compliance for not maintaining the required records on Form 62-710.901, F.A.C. or equivalent. Compliance assistance was provided during the inspection and in the exit interview 06/17/2021. The facility was provided with a deadline of 07/01/2021 to submit pending documentation and corrective action.

On 07/01/2021, the facility submitted information to the Department, however, the required form or its equivalent and/or records of the amount of used oil transported by Cummins have not been received.

On 07/16/2021, the Department sent a request for additional information via email and the facility was provided with a deadline of 07/21/2021. An extension was requested and a new deadline of 08/05/2021 was granted. On 08/04/2021, the facility provided response to the request for additional information, which is under review by the Department.

As the result of a separate Cummins inspection (EPA ID FLR000233452) conducted by SED on 11/05/2020, Cummins explained that the vehicles do not require registration with the U.S. DOT when transporting used oil and that process knowledge may be used to satisfy the rebuttable presumption described in 40 CFR 279.44. On 02/18/2021, Cummins provided additional information regarding their operations to support their claim and compliance with federal and Florida state regulations. On 02/24/2021, DEP responded to their claim and concurred that (1) Cummins vans are not subject to the applicable DOT placarding and registration requirements due to the nature and low volume of used oil transported; and (2) Cummins can rely on process knowledge to meet the rebuttable presumption under 40 CFR, 279.44. However, since Cummins facilities are registered as used oil and used oil filter transporters and transfer facilities, they are required to comply with all applicable regulations described in 62-710, F,A.C. in addition to the 40 CFR 279, Subpart E standards, including the recordkeeping provisions in Rule 62-710.510, F.A.C. As part of the records, the facility must maintain the DEP Form 62-710.901(2) F.A.C. or equivalent to track and demonstrate the total amount of used oil transported each year. This information must be kept on-site for three years [62-710.510(1), F.A.C.].

It should be noted that Cummins may be subject to registration, notifications and/or certifications requirements if: (1) Cummins is not able to ensure that authorized Cummins technicians are the only individuals that add and drain oil from equipment serviced offsite, or (2) Cummins transports shipments of used oil totaling 55 gallons or more from the generator to the used oil collection center or to a used oil aggregation point, or (3) if Cummins transports more than 500 gallons of used oil annually. By not keeping records of used oil being transported, the Department is unable to determine the facility's compliance status and ensure that Cummins can meet the applicable registration, notification, and/or certification requirements. Please refer to 62-710.510 F.A.C., 40 C.F.R. 279.40(a)(1)-(4), & 62-710.600 F.A.C.

Finally, during the inspection, the inspector observed that the facility punctures aerosol cans. The inspectors provided compliance assistance and explained to the facility that on 02/07/2020, the EPA added hazardous

waste aerosol cans to the universal wastes outlined in title 40 of the Code of Federal Regulations (CFR), part 273, thereby giving generators the opportunity to choose the management method that best suits its operations. The State of Florida adopted the requirements of 40 CFR Part 273 into the Florida Administrative Code (FAC 62-730) on October 30, 2020. The facility operating as a VSQG of hazardous waste, is encouraged to manage aerosol cans wastes as universal wastes and comply with requirements under 40 CFR 273 that include the following: to maintain a procedure detailing how to safely puncture and drain the universal waste aerosol cans, maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedure, and send empty cans for recycling.

The Department will issue a Compliance Assistance Offer (CAO) letter to address pending corrective actions.

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			✓

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

Romina J Lancellotti	Inspector	
Principal Investigator Name	**Principal Investigator Title**	
	DEP	08/11/2021
Principal Investigator Signature	**Organization**	**Date**

Patrick Scott	Environmental Specialist I
Inspector Name	**Inspector Title**
	FDEP
	Organization

Cole Pajunen	Environmental Specialist II
Inspector Name	**Inspector Title**
	FDEP
	Organization

Michael Erlick	General Manager
Representative Name	**Representative Title**
	Cummins
	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:	Alannah B Irwin	**Inspection Approval Date:**	08/11/2021