



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

September 10, 2021

Victor Montilla, HSSE Manager
Crowley Liner Services
4300 McIntosh Rd
Fort Lauderdale, FL 33316
Victor.montilla@crowley.com

Re: Warning Letter - #WL21-00093HW06SED
Crowley Liner Services
EPAID FL0000360560
Broward County

Mr. Montilla:

Department personnel conducted a compliance evaluation inspection (CEI) of the above-referenced facility on June 22, 2021. During this inspection, possible violations of chapter 403, Florida Statutes (F.S.), chapter 62-730 Florida Administrative Code (F.A.C.), and 40 CFR Part 263 were observed.

During the inspection, Department personnel noted the following:

- The facility had a lapse in Hazardous Waste Transporter and Transfer facility registration status beginning on 12/01/2020 and is still currently a Non-registered Transporter.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.141, 403.161 and 403.727, Florida Statutes.

Please contact Alannah Irwin at (561) 681-6626 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.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Hazardous Waste Final Inspection Report, dated 08/04/2021

cc: Jason Andreotta, Sirena Davila, Alannah Irwin, Justin Stark, Jared Heyns - FDEP



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

FACILITY INFORMATION:

Facility Name: Crowley Liner Services
On-Site Inspection Start Date: 06/22/2021 **On-Site Inspection End Date:** 06/22/2021
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:

Routine Inspection for Hazardous Waste Transporter Facility
Routine Inspection for Hazardous Waste Transfer Facility Facility
Routine Inspection for VSQG (<100 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Jared T Heyns, Inspector
Other Participants: Victor Montilla, Manager

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

NAIC: 512250 - Record Production and Distribution

TYPE OF OWNERSHIP: Private

Introduction:

On June 22, 2021 (06/22/2021), Jared Heyns with the Florida Department of Environmental Protection (DEP) conducted a routine Compliance Evaluation Inspection (CEI) at Crowley Liner Services, Inc. (Crowley), located at 4300 McIntosh Rd in Fort Lauderdale. Crowley 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, adopted and incorporated by reference in Rule 62-730, Florida Administrative Code (F.A.C.).

The inspector was escorted around the facility by Victor Montilla, HSSE Manager. Upon arrival at the facility the inspector presented their credentials and explained the purpose of the inspection.

Crowley occupies approximately 120 acres of property in Port Everglades and is connected to public water and sewer. Crowley has been operating at its current location for over thirty years and employs approximately 250 staff. The facility operates 24/7.

Notification History:

- The facility's most recent Hazardous Waste Generator Notification form (EPA Form 8700-12FL) was filed on September 30, 2019 (09/30/2019), which identified Crowley as a Very Small Quantity Generator (VSQG) of hazardous waste and a Transporter of hazardous waste.
- The Department inspector noted that the facility had a lapse in notification status - the facility's notification expired on 11/30/2020 and was not re-registered until after this compliance inspection. As of the date of this inspection report, the facility has submitted the 8700-12FL form to Tallahassee and it is currently being processed. The facility was offered compliance assistance to include notification as a hazardous waste Transfer facility in addition to the prior statuses.

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Inspection Date: 06/22/2021

Inspection History:

The facility was previously inspected by the Department on 05/28/2019 as a hazardous waste Transporter and VSQG and was found to be out of compliance at the time of inspection. The violations pertained to waste determination, lapse in notification status, improper used oil storage, and not conducting/documenting weekly hazardous waste container inspections. The violations were resolved with formal enforcement action, and the case was closed via Pollution Prevention (P2) Project.

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 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.

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. The only time any of the containers are opened is if the Coast Guard or Customs mandates it for an inspection. The terminal planner receives the information for incoming shipments, and segregates hazardous waste cargo containers to the designated storage area in the processing yard. The hazardous waste storage area was empty at the time of the inspection. 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, used oil filters, and spent antifreeze. At the time of the inspection, the following was observed:

Used oil – Four 55-gallon steel drums closed and properly labeled; outdoors in a covered storage area; within secondary containment; managed by CBI. A spill kit is maintained and readily available directly adjacent to this area.

Used oil filters – One 55-gallon steel drum closed and properly labeled; stored indoor in the maintenance bay; within secondary containment; managed by CBI. A spill kit is maintained and readily available directly adjacent to this area.

There are two 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.

Record Review:

- Transport, receiving, and shipping records were available for review at the time of inspection. The facility has maintained records since the start of operation and was advised to retain all records of transportation and training for three years.
- For the facility's used oil activities, Crowley has contracted the service of Cliff Berry Inc. to pick-up their used oil and used oil filters. All information and documentation appeared to be in order. At least three years of records were available for review during the inspection.
- Insurance liability: the facility maintains an up-to-date insurance policy via Old Republic Insurance Company in the amount of \$2,000,000. The policy (#MWTT31292921) is current through 04/01/2022.
- Employee Training - Employees receive initial and annual training which covers laws and regulations pertaining to hazardous waste and used oil, spill avoidance and emergency response procedures, and halogen

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testing. Last in-house training was conducted in May 2021.

- 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].
- Hazardous waste weekly container inspections are kept on-site for a period of three years. At the time of the inspection, the most recent occurrence of hazardous waste being stored on-site was January 2020.
- SOP documentation describing the facility's response plan pertaining to leaks and/or spills (40 CFR 263.30 and 263.31).
- SPCC/Contingency plan and notification letters to the authorities (including the facility's emergency coordinator and his job duties). Last revision was conducted in May 2021.
- Siting Requirements under 403.7211 Florida Statutes: it appears 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:	263.11(a) , 62-730.150(2)(a)
Explanation:	The facility had a lapse in Hazardous Waste Transporter and Transfer facility registration status beginning on 12/01/2020.
Corrective Action:	The facility submitted the Form 8700-12FL Florida Notification of Regulated Waste Activity to the Division in Tallahassee on 07/21/2021. Tallahassee is currently reviewing and processing the notification status. As of the date of this inspection report, the facility status has not yet been updated in the DEP Handler Search, and still shows the facility as a Non-registered Transporter. Please ensure that the facility's registration status remains current in the future.

PHOTO ATTACHMENTS:

Front of facility



Empty hazardous waste container staging area



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Cargo container processing yard



Spill kit located adjacent to used oil storage



Vehicle maintenance building



Conclusion:

Crowley was inspected as a hazardous waste Transporter, Transfer facility, and VSQG and was found to be out of compliance for having a lapse in Transporter/Transfer notification status.

On 07/21/2021, the facility submitted the 8700-12FL form to Tallahassee re-notifying as a hazardous waste Transporter and Transfer facility. Tallahassee is currently reviewing and processing the notification status. As of the date of this inspection report, the facility status has not yet been updated in the DEP Handler Search, and still shows the facility as a Non-registered Transporter. A Warning Letter will be issued in this case as this is a repeat violation within the last five years.

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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)	✓		

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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)	✓		
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)	✓		

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Signed:

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

Jared T Heyns _____ Principal Investigator Name	Inspector _____ Principal Investigator Title	
 _____ Principal Investigator Signature	DEP _____ Organization	08/04/2021 _____ Date
Victor Montilla _____ Representative Name	Manager _____ Representative Title	
	Crowley Liner Services _____ Organization	

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

Report Approvers:

Approver: Alannah B Irwin _____	Inspection Approval Date: 08/04/2021 _____
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