



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 27, 2022

Mr. Valtious Morris
ERS Corporation
760 Talleyrand Avenue
Jacksonville, FL 32202-1031
v.morris@ersfl.com

Re: ERS Corporation
EPA/DEP ID: FLD984261412
Duval County – Hazardous Waste

Dear Mr. Morris:

Department personnel conducted a compliance inspection of the above-referenced facility on June 28, 2022. Based on the information provided during and following the inspection, the facility was determined to be in compliance. A copy of the inspection report is attached for your records and any non-compliance items which may have been identified at the time of the inspection have been corrected.

The Department appreciates your compliance efforts. Should you have any questions or comments, please contact Cheryl L. Mitchell at (904) 256-1620 or via e-mail at cheryl.l.mitchell@dep.state.fl.us.

Sincerely,

A handwritten signature in blue ink that reads "Joni Petry".

Joni Petry
Environmental Administrator

Enclosure: Inspection Report

Ec: Christopher Hood, ERS Corp (c.hood@ersfl.com); Jean Richards, City of Jacksonville EPD (JeanR@coj.net)
DEP Internal: Joni Petry, Bonnie Bradshaw, Cheryl L. Mitchell, DEP_NED



Florida Department of
Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: ERS Corp
On-Site Inspection Start Date: 06/28/2022 **On-Site Inspection End Date:** 06/28/2022
ME ID#: 37410 **EPA ID#:** FLD984261412
Facility Street Address: 760 Talleyrand Ave , Jacksonville, Florida 32202-1031
Contact Mailing Address: 760 Talleyrand Ave, Jacksonville, Florida 32202-1031
County Name: Duval **Contact Phone:** (904) 791-9992

NOTIFIED AS:

Non-Handler, Transporter, Used Oil

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Commercial Waste **Used Oil:** Transporter **Universal Waste:** Indicate types of UW generated and/or accumulated at the facility: **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

INSPECTION TYPE:

Routine Inspection for Hazardous Waste Transporter Facility
Routine Inspection for Used Oil Transporter Facility
Routine Inspection for Universal Waste Transporter Facility
Routine Inspection for Non-Handler Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Cheryl L Mitchell, Inspector
Other Participants: Valtious Morris, Project Manager

LATITUDE / LONGITUDE: Lat 30° 19' 47.5826" / Long 81° 37' 55.1331"

NAIC: 562910 - Remediation Services

TYPE OF OWNERSHIP: Private

Introduction:

Environmental Remediation Services (ERS, the facility) was inspected on June 28, 2022. The facility was last inspected by the Department's Hazardous Waste Program on January 9, 2019. ERS is a registered Used Oil Transporter, Used Oil Filter Transporter, Hazardous Waste Transporter, Universal Waste Lamps and Devices Transporter, Petroleum Contact Water (PCW) Transporter, and a Non-Handler of hazardous waste.

ERS is an environmental contractor that offers site remediation, fluid vapor recovery, industrial cleaning, transportation, emergency spill response, and waste management services. ERS expanded its operations in 2019 to include minor construction and renovation projects that are managed out of the property adjacent to the facility. ERS has been in operation at this location for 23 years and has 20 employees. The facility operates Monday through Friday from 8:00 AM to 5:00 PM and on weekends based on workload. The facility is connected to city water and sewer. ERS has two vacuum trucks, one stakebed trucks, three pickup trucks and will rent box trucks, if required. The facility consists of Administrative Offices and Warehouse, a Containment Area, and Vehicle Parking Lot. Valtious Morris (ERS Project Manager) and Chris Hood (ERS Assistant Project Manager) were present throughout the inspection.

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Process Description:**ADMINISTRATIVE OFFICES AND WAREHOUSE**

The office area and warehouse are located in the same building. The warehouse area is used for the storage of parts, materials and equipment. No maintenance is performed on-site to vehicles or equipment. There is a small area of the warehouse where ERS stores aerosol and non-aerosol products that are infrequently used for minor facility maintenance. No aerosol cans were observed in the trash at the time of the inspection. However, the facility is reminded that spent aerosol cans may contain liquid product and/or flammable propellants which can cause the aerosol can to be a D001 and/or other hazardous waste. Additionally, aerosol cans with broken or clogged nozzles may be considered a hazardous waste. Unless an aerosol can is completely empty of both liquid and propellant, as defined in 40 CFR 261.7, it should not be thrown into the trash. If generated at the facility, any unusable and/or spent aerosol cans should either be safely punctured and properly drained into a closed container which should then be managed as hazardous waste, or be placed unpunctured into a closed container which should then be managed as a hazardous waste. Alternatively, the facility may choose to manage hazardous waste aerosol cans as a universal waste, provided they meet the requirements of 40 CFR 273.

The facility manages its shop rags as non-hazardous waste which are accumulated in a 15-gallon step can located in this area. No cleaners or solvents observed in the product storage area contained F001-F005 listed solvents, but the facility is reminded that shop rags used with any of the F001-F005 listed solvents may generate a hazardous waste rag that should be managed as hazardous waste or managed in accordance with the "Excluded Solvent Contaminated Wipes" exclusion in 40 CFR 261.4(a)(26) or 40 CFR 261.4(b)(18).

No used oil, used oil filters, or hazardous waste is generated or stored by the facility in this area.

CONTAINMENT AREA

This area was formerly used to provide secondary containment for used oil containers and transportation vehicles. The area is now used as a staging area for equipment, materials and empty containers used during transportation operations.

At the time of the inspection, there was one tote-sized plastic container of solid waste accumulating. The container contained several plastic bags of what appeared to be absorbents, rags and spill cleanup debris. The container was closed and labeled non-hazardous waste. This wastestream, referred to by ERS as "Petroleum Impacted Solids and Debris," is generated during ERS's used oil transportation services and includes oil absorbents, shop rags, and spill cleanup debris. ERS manages this waste as non-hazardous waste and it is disposed of at Chesser Island Solid Waste Landfill in Georgia. ERS had lab analysis to support this management process.

USED OIL TRANSPORTER

ERS is authorized to perform used oil transportation services. ERS transports used oil directly to Liquid Environmental Solutions of Florida (LES, FLD981928484) or Water Recovery, LLC (WRI, FLR000069062) for processing. ERS uses Chlor-D-Tect tests to perform halogen screening of the used oil prior to transportation.

Used Oil Transporter Records Review:

ERS maintained used oil shipping documents and a log of shipments for a period of three years. ERS transported one shipment of used oil in 2020, two shipments of used oil in 2021, and five shipments through June 2022. All shipments of used oil were screened, and the results of the Chlor-D-Tect tests were documented on shipping records. All shipping documents reviewed appeared to be in order, and indicated that the used oil was transferred to the processing facility within one day of receipt.

USED OIL FILTER TRANSPORTER

ERS is authorized to perform used oil filter transportation services but infrequently performs this service for its customers.

Used Oil Filter Transporter Records Review:

ERS maintained used oil filter shipping documents and a log of shipments for a period of three years. ERS

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transported one shipment of used oil filters in 2020, and one shipment of used oil filters through June 2022. All shipping documents reviewed appeared to be in order, and indicated that the used oil filters were transferred to Perma-Fix of Florida (FLD980711071) within one day of receipt.

HAZARDOUS WASTE TRANSPORTER

ERS is authorized to transport hazardous waste. Mr. Morris stated that ERS does not bring hazardous waste back to the facility.

Hazardous Waste Transporter Records Review:

ERS maintained hazardous waste manifests and a log of shipments for a period of three years. ERS transported three shipments of hazardous waste in 2020, six shipments in 2021, and no shipments through June 2022. All hazardous waste manifests reviewed appeared to be in order, and indicated that hazardous waste was either transferred directly to a second registered Hazardous Waste Transporter or to a permitted hazardous waste TSDF within one day of receipt. ERS maintains a hazardous waste log for a period of three years. However, the log did not include the EPA ID# for one VSQG shipment in 2020 [62-730.171(6), FAC].

UNIVERSAL WASTE LAMPS AND DEVICES TRANSPORTER

ERS is authorized to transport universal waste but rarely performs this work for its customers. There were no shipping documents for universal waste during the previous three years.

PETROLEUM CONTACT WATER (PCW) TRANSPORTER

ERS is authorized to transport PCW. ERS transports PCW to either LES or WRI for processing.

Petroleum Contact Water Transporter Records Review:

ERS maintained PCW shipping documents for a period of three years. ERS transported nineteen shipments of PCW in 2020, five shipments in 2021, and one shipment through June 2022. All the shipping documents reviewed correctly identified PCW as "Petroleum Contact Water." PCW received and processed specifically by WRI is sampled upon arrival at the facility, and the results are documented on the shipping documents. Two of the 2020 shipping documents reviewed were annotated as having an oil content of 30% and 40% with a flashpoint of <75°F. This is an Area of Concern. Under 62-740, FAC, PCW is defined as "water containing product." Additionally, "Petroleum Contact Water" is not a proper shipping name for flammable liquids under Department of Transportation (DOT) Hazardous Material regulations. ERS is reminded that 62-740.200(1), FAC, states that transporters shipping PCW for product recovery shall maintain compliance with other applicable Florida Department of Transportation rules. Previous DOT guidance issued on the transportation of PCW in Florida, dated December 19, 2006, is attached to this report.

VEHICLE PARKING LOT

The parking area is on the west side of the property, south of the containment area. The facility parks its vehicles and emergency response supply trailers on-site while not in use. The parking lot is primarily compacted limerock. Mr. Morris stated that the facility's procedure is to deliver any waste it transports directly to its destination without storing it on-site. Occasionally, ERS will keep a shipment of nonhazardous waste or used oil on-site overnight if its destination facility is already closed for the day. According to Mr. Morris, no used oil is kept on-site for longer than 24-hours.

SECURITY

The facility is surrounded by a chain link fence topped with barbed wire. It appeared to be in good condition. The facility is accessed through a main entrance gate that Mr. Morris stated was kept closed and electronically opened by facility employees when accessing the site. At the time of inspection, the gate was closed.

RECORDS REVIEW

At the time of the inspection, ERS was registered and operating as a Used Oil Transporter, Used Oil Filter Transporter, Hazardous Waste Transporter, Universal Waste Lamps and Devices Transporter, PCW Transporter, and as a Non-Handler of hazardous waste. Records reviewed included manifests, shipping papers, facility's Contingency Plan, emergency response procedures in a transportation vehicle, annual registration,

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insurance liability coverage, personnel training records, and receiving and shipping waste inventory logs. The facility's transporter registration and insurance certificates were posted at the facility and located within a transportation vehicle that was parked at the facility at the time of the inspection. Records reviewed appeared to be in order unless otherwise described herein.

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

Type:	Violation
Rule:	62-730.171(6)
Explanation:	The facility failed to enter the EPA ID# for one shipment of VSQG hazardous waste transported in 2020.
Corrective Action:	No further action is required. The facility stated at the time of the inspection and demonstrated that its normal procedure was to use DEP's database to research customers' EPA ID# information, and that this one occurrence was an administrative error.

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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			✓

Inspection Date: 06/28/2022

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

Cheryl L Mitchell	Inspector
Principal Investigator Name	Principal Investigator Title
	DEP
Principal Investigator Signature	Organization
	10/07/2022
	Date
Valtious Morris	Project Manager
Representative Name	Representative Title
	ERS Corporation
	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:	Cheryl L Mitchell	Inspection Approval Date:	10/07/2022
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ATTACHMENT
DEPARTMENT OF TRANSPORTATION LETTER
RE: PETROLEUM CONTACT WATER
DECEMBER 19, 2006



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 19 2006

Mr. Larry Moothart
Belshire Environmental Services, Inc.
25971 Towne Center Drive
Foothill Ranch, CA 92619

Reference No.: 06-0253

Dear Mr. Moothart:

This responds to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the classification and proper shipping name of a gasoline and water mixture. You ask if the State of Florida may require the mixture to be described as "Petroleum Contact Water," and whether the mixture should be described on the shipping paper as "Gasoline mixture" or "Flammable liquid, n.o.s."

Under the HMR, "Petroleum Contact Water" is not a proper shipping name and may not be used to describe a hazardous material. A hazardous material mixed with a non-hazardous material must be described using the proper shipping name of the hazardous material and the qualifying word "mixture" or "solution," as appropriate, unless any of the provisions in § 172.101(c)(1)(i)(A) through (F) apply. The most appropriate proper shipping name for a gasoline and water mixture meeting the definition of a flammable liquid is "Gasoline mixture, UN1203." The phrase "Petroleum Contact Water" may, however, be indicated following the basic description. A mixture or solution that does not meet the definition of a DOT hazard class, is not a hazardous waste, hazardous substance or marine pollutant is not subject to the HMR.

I trust this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060253

173.101



25971 Towne Centre Drive
Foothill Ranch, CA 92610
(949) 460-5200
Fax (949) 460-5210

November 1, 2006

Mr. Edward Mazullo
U.S. Department of Transportation
Pipeline and Hazardous Materials Administration
Office of Hazardous Materials Standards
400 Seventh Street, S.W.
Washington, D.C. 20590

Sent via U.S. Mail and fax to (202) 366-3012

Dear Mr. Mazullo

Belshire Environmental Services, Inc. is requesting an interpretation from the DOT concerning the management of gasoline and water mixtures in the State of Florida when shipping gasoline and water mixtures in bulk (2400 gallon to 5,000 gallon vacuum trucks) and non bulk packages (55 gallon drums).

Background

The Florida Department of Environmental Protection (Florida DEP) has adopted management practices for gasoline and water mixtures which are referred to in Florida as "Petroleum Contact Water" (PCW). These management practices were developed by the Florida DEP to promote waste minimization by encouraging the recycling of PCW. Some example sources of PCW include condensate from above ground and below ground gasoline storage tanks, water bottoms or draw down water from a gasoline storage tanks system, gasoline tank filler sump and dispenser sump water and pumpable liquids from gasoline tank cleaning operations.

According to the PCW regulations established by the Florida DEP, when managing gasoline water mixtures from the sources of PCW described in the previous paragraph, the shipper shall identify the material on the shipping paper and the label as "Petroleum Contact Water".

Regulatory Interpretation

It is my understanding that "Petroleum Contact Water" will in most instances meet the definition of a hazardous material. The physical properties of "Petroleum Contact Water" usually consist of a layer of a gasoline floating on the water layer due to the negligible solubility of gasoline in water. When testing the gasoline and water mixture for the flash point, it is anticipated the test will yield a flash point at levels similar to that of gasoline which is below 100 degrees F.

According to the hazardous material regulations, a "flammable liquid" is defined as a material with a flash point of not more than 100 degrees F. The hazardous material regulations (172.202) require that the hazardous material description on the shipping paper is identified with a shipping name in table 172.101, as well as the hazard class, the ID number and the packing group. Additionally, the hazardous material regulations require the shipper to properly mark, label and placard the hazardous material in compliance with Subparts D, E and F of part 172.

Regulatory Concern

It is my understanding that the state of Florida DEP has the authority to mandate the shipping name as "Petroleum Contact Water" when the material is not subject to the Hazardous Material Regulations. However, when the Petroleum Contact Water is a flammable liquid as defined in the hazardous material regulations, it is a violation to use "Petroleum Contact Water" as a proper shipping name.

Corbin
\$172.101
Shipping Name
06-0253

Regulatory Questions

1. Do Florida's PCW regulations as described above violate DOT regulations?
2. Is any State agency authorized to supersede the Hazardous Material Regulations; such as requesting the use of a State specific shipping name for a hazardous material such as "Petroleum Contact Water" rather than a shipping name identified in the hazardous material table 172.101?
3. It is my understanding when managing a hazardous material such as a flammable liquid, the term "Petroleum Contact Water" may be entered on the shipping paper but must be entered on the shipping paper after the basic description. Is this correct?
4. When shipping a flammable liquid mixture consisting of a single hazardous constituent such as gasoline and water mixture, which of the following shipping names is correct?
 - A. Gasoline mixture, 3 UN1203 P.G. II
 - B. Flammable Liquid, n.o.s. 3 UN1993 P.G. II (Gasoline)

Please feel free to contact me at any time.

Best Regards,



Larry Moothart
Belshire Environmental Services, Inc.