



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

Noah Valenstein
Secretary

December 2, 2020

Joseph T. Richardson III, HSE Leader
Cummins Inc.
3754 Interstate Parkway
Riviera Beach, FL 33404
joseph.richardson@cummins.com

Re: Cummins Inc. Compliance Assistance Offer
Facility ID # FLR000233452
Palm Beach County

Dear Mr. Richardson:

A Compliance Evaluation Inspection (CEI) was conducted at your facility on November 5, 2020, under the authority of Section 403.091, Florida Statutes (F.S.). During this CEI, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, potential non-compliance with the requirements of Part 262, Title 40 of Federal Code of Regulations (C.F.R.) and Chapter 730, Florida Administrative Code (F.A.C.) were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the items of concern noted and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issues or provide a schedule describing how/when the issue will be addressed.
2. Describe what steps have been taken to prevent, to the extent practicable, a recurrence of the non-compliances.
3. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
4. Arrange for the case manager to visit your facility to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Juliana Reis of the Southeast District Office at 561-681-6642 or via e-mail at Juliana.Reis@floridadep.gov. We look forward to your cooperation with this matter.

Sincerely,



Alannah Irwin
Environmental Manager
Florida Department of Environmental Protection
Southeast District

Enclosure: [Hazardous Waste Final Inspection Report dated 12/01/2020](#)

cc: Philip Alcantara via email philip.alcantara@cummins.com
Alannah Irwin, Juliana Reis – FDEP SED



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

FACILITY INFORMATION:

Facility Name: Cummins Inc
On-Site Inspection Start Date: 11/05/2020 **On-Site Inspection End Date:** 11/05/2020
ME ID#: 108437 **EPA ID#:** FLR000233452
Facility Street Address: 3754 Interstate Park Rd N, Riviera Beach, Florida 33404-5908
Contact Mailing Address: 5515 Frontage Rd, Forest Park, Georgia 30297-2531
County Name: Palm Beach **Contact Phone:** (404) 763-0151

NOTIFIED AS:

Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Used Oil:** Transporter, Used Oil **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps **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 Used Oil Transporter Facility
Routine Inspection for VSQG (<100 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Juliana Reis, Inspector
Other Participants: Philip Alcantara, General Manager

LATITUDE / LONGITUDE: Lat 26° 46' 39.0216" / Long 80° 5' 43.8972"

NAIC: 811111 - General Automotive Repair

TYPE OF OWNERSHIP: Private

Introduction:

On November 5, 2020, Juliana Reis with the Florida Department of Environmental Protection ("FDEP") conducted a Compliance Evaluation Inspection ("CEI") at Cummins Inc. (hereinafter "Cummins" or "facility"), located at 3754 Interstate Park Way, Riviera Beach, Florida 33404. 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 62-710, 62-730, and Rule 62-737, Florida Administrative Code ("FAC").

The inspector was escorted around the facility by Philip Alcantara, General Manager. Upon arrival at the facility, the inspector presented their credentials and explained the purpose of the inspection. Cummins occupies 17,000 square feet and is connected to municipal water and sewer. Cummins has been operating at this location since 2014 and employs 17 staff.

Notification History:

Cummins notified the FDEP as a Used Oil Transporter (UOT) and as a Very Small Quantity Generator (VSQG) of hazardous waste on 03/10/2020, when the facility commenced operations at this location and was assigned the EPA Identification Number ("EPAID") FLR000233452.

During the inspection was observed that facility was storing used oil for more than 24 hours and less than 35 days, which requires the facility to register as a used oil Transfer facility, per 62-710.500(1) FAC. The facility was requested to either submit an 8700-12 FL form to the Waste Management Division to update its status as a used oil Transfer facility or to comply with the 24-hour timeframes.

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Inspection History:

The facility has not been inspected by FDEP.

Personal Protective Equipment (PPE) was required to enter the facility. Department personnel were equipped with steel-toed boots, protective goggles and a facial mask.

Process Description:

Cummins provides services of maintenance and repairs to large vehicles and private transformers on-site and at the clients' site. Additionally, it sells mechanical parts and services large industrial engines.

The wastes generate from these processes include but are not limited to: used oil, used oil filters, oily water, and oily rags; spent solvents from parts washer; spent aerosol can contents, exhibiting a hazardous waste characteristic of ignitability (EPA Waste Code D001); spent mercury lamps, exhibiting a hazardous waste characteristic of toxicity for mercury (EPA Waste Code D009) and spent lead acid batteries, exhibiting a hazardous waste characteristic of toxicity for lead and corrosivity (EPA Waste Codes D008 and D002), unless managed under the universal waste regulations.

The wastes are generated at the facility warehouse shop and tanks area.

Warehouse shop

This area comprehends a large portion of the facility's site. It is where trucks, RVs and engines are serviced and maintained. In this area the inspector observed:

>five and 15-gallon closed metal containers for oily rags located throughout the shop area. Oily rags as well as oily contaminated uniforms are laundered by Cintas.

>Three open 55-gallon poly drums, one for used oil filters and the other two for oily absorbent materials over a secondary containment. Per 62-710.850(5)(a) FAC used oil filter containers shall be kept closed, the facility was requested to close the used oil container as a corrective action.

Next to the drums there was a pail used oil used for used oil collection, not properly labeled. Per 40 CFR 279(c)(1) used oil containers shall be labeled as "used oil", the facility was requested to and to label the used oil pail as a corrective action.

>One three-gallon poly container for spent aerosol cans to be punctured.

>One 55-gallon metal drum attached to a can puncturer system. This drum collects and stores the spent aerosol can contents, which according to the facility are generated in small quantities and are disposed as hazardous waste.

>One closed six-gallon poly container for spent mercury lamps not properly labeled. Per 40 CFR 273.14(e) spent mercury lamps shall be specifically labeled as "universal waste-mercury-containing lamps", "waste mercury-containing lamps" or "used mercury-containing lamps". The facility was required to submit a picture of the container properly labeled. On 11/20/2020 the facility submitted a picture of a spent mercury lamps container properly labeled.

The inspector observed spill kits and fire extinguishers throughout this area.

Outside the warehouse shop is the parking lot where the fleet is located. There are six service vans used for maintenances and repairs at the client's site. In the vehicle was observed a spill kit and a fire-extinguisher. No Department of Transportation (DOT) number was observed posted on the vehicles. Per 40 CFR 279.43(b) vehicles used for used oil transportation shall comply with the DOT requirements by demonstrating placards and carrying documentation, such as, UOT notification, liability insurance and contingency plan in the vehicle. The facility was requested to provide corrective action pictures of the vehicles with DOT numbers posted and with the compliant documentation.

Outside the warehouse, the inspector also observed:

>Six spent lead acid batteries stored over an impervious surface, but not covered nor protected from the elements. Per 40 CFR 273.13(a), universal waste spent batteries shall be stored in a way to prevent release. The facility was requested to provide a corrective action picture of the spent batteries protected from the elements. On 11/20/2020, the facility submitted a picture of an improper universal waste batteries storage; thus,

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this submittal is still pending to the Department.

Tanks area

This area is a room attached to the warehouse where the tanks are located. In this area the inspector observed:

- >One 500-gallon metal tank of used oil within a secondary containment and properly labeled.

- >One 150-gallon poly tank for used antifreeze within a secondary containment and properly labeled.

- >Three 500-gallon metal tanks that are part of the oil and water separator system branded "Water Maze". The first tank has an aluminum oxide filtration system, the second tank has a microbe filtration system and the third tank is where the oil is finally separated for pick up.

- >One 10-gallon used oil caddy properly labeled.

No spill or used oil releases were observed in this area.

Outside the tanks area there is the pressure washer area, where a drainage system was observed. The oily water is drained and connected the oily water to the separator system.

Records Review:

- >8700-12 FL form - The facility has submitted a draft of this form re-notifying the Department as a used oil Transfer facility; however, mail receipts are the required evidence for the Department to review.

- >Used oil, used oil filters, oily water, spent antifreeze, and spent aerosol can contents records for the last three years were partially available for review at the time of inspection. The inspector reviewed the following:

- > Used oil, used oil filters, oily water, spent antifreeze are serviced by the registered transporter Heritage Crystal Clean LLC. (EPAID ILR000130062). The last pick-ups of used oil (175-gallon) was on 10/22/2020, spent solvents from parts washer (56-gallon) was on 10/26/2020, and used oil filter (50-gallon) was on 10/15/2020.

- > Acceptance and delivery records for the used oil transported was not available for review at the time of inspection. Per 62-710.510(1) FAC, UOT are required to maintain the following records from the transported used oil: name, address, phone number, total number of gallons received from the source, including oily wastes, the type of used oil, date receipt, destination or end use, and halogen screening test.

The facility was provided with the DEP recordkeeping form 62-710.901(2) and instructions, and it was requested to submit this information to the Department as corrective action.

The facility has submitted incomplete documentation for review on 11/20/2020; therefore, this submittal is still pending to the Department.

- >Hazardous wastes manifests from the spent aerosol can contents were not available for review. According to the facility, this hazardous waste stream has not been disposed of in the last the years. The facility submitted a waste profile from the spent aerosol can contents by Heritage Crystal Clean, dated 09/06/2018.

- >Spent lead acid batteries are serviced by North American Battery Systems. The last pick-up was on 11/12/2020 of six cores for recycling.

- >Spent mercury lamps are serviced by the electrical contractor Minuteman Electric Inc. The facility is progressively retrofitting for LED lamps and it was advised by the inspector that in the case of a disposal of more than 10 spent mercury lamps, the facility shall contract a registered universal waste transporter, per 62-737.400 (3)(a)(1) FAC.

- >Employee Training Records - All employees receive initial and annual training on the proper management of used oil, including handling, storage, and spill response and cleanup. The staff is given an on-line multiple-choice test in the completion of the training. The facility demonstrated records of its recent trainings which were conducted in June 2020. Lastly, the facility maintains these records on-site for three years in accordance with Rule 62-710.600(2)(b) FAC.

- >Rebuttable Presumption Records – No records from the total halogen screening tests conducted were available for review at the time of inspection. Per 40 CFR 279.44(d), halogen testing records shall be kept onsite for at least three years. The facility was requested to provide documentation of the procedure and tests

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conducted at used oil shipments to ensure that the total halogen content transported is below 1,000 parts per million (ppm).

>Proof of Liability Insurance – Record of the facility's Used Oil Handler Certification of Liability Insurance form was available for review. The insurer is Old Republic Insurance Company (Policy No. MWTB314312-19, expires 12/01/2020) in the amount of \$9 million, compliant with 62-710.600(2)(e) FAC.

>Annual Report for Used Oil Activities – The facility has notified as UOT for less than one year, so no Annual Report was available for review.

> Spill Prevention, Control, and Countermeasure - The facility provided an Emergency Action and a Business Continuity Plans for used oil and hazardous waste. These documents demonstrated the emergency coordinator and emergency contacts, the emergency response strategy and report, spill control actions and spill control equipment, and discharge notification procedures. All the information and phone numbers were up-to-date. The inspector advised the facility to include the number of the State Watch Office in the Emergency Action Plan.

New Potential Violations and Areas of Concern:

Violations

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:	There are no records from used oil transported by the facility available for review.
Corrective Action:	Transporters shall maintain a three year record detention of used oil transported.

Comments:

This submittal is still pending to the Department.

Type:	Violation
Rule:	273.13(a)
Explanation:	For spent lead acid batteries were observed stored outside, not protected from the weather at the time of inspection.
Corrective Action:	SQH of universal waste shall manage waste batteries in a way to prevent release. The facility was requested to store the spent lead acid batteries under a covered area, protected from the elements.

Comments:

The Department received a submittal on 11/20/2020; however it was incomplete and the violation remains open.

Photo Attachments:

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Six spent lead acid batteries not protected from the elements



Type:	Violation
Rule:	273.14(e)
Explanation:	One five-gallon container for spent mercury lamps was observed not properly labeled at the time of inspection.
Corrective Action:	Spent mercury lamps containers shall be specifically labeled "universal waste-mercury-containing lamps", "waste mercury-containing lamps" or "used mercury-containing lamps". The facility was requested to properly label the spent mercury lamps container and submit to the Department as corrective action.

Comments:

This violation was resolved via submittal to the Department on 11/20/2020.

Photo Attachments:

Spent mercury lamps container not properly labeled



Spent mercury lamps container properly labeled



Type:	Violation
Rule:	279.22(c)(1)

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Question Number: 5.4

Question: Are used oil containers/tanks labeled or marked clearly with the words "Used Oil"?
279.22(c)(1)

Explanation: Drip pans at the mechanical shop were not properly labeled as "used oil " at the time of inspection.

Corrective Action: All used oil containers, tanks, or fill pipes shall be properly labeled. The facility was requested to properly label the drip pans as "used oil" as corrective action.

Comments:

This violation was resolved via submittal to the Department on 11/20/2020.

Photo Attachments:

Used oil pail not properly labeled



Used oil pail properly labeled

Type: Violation

Rule: **279.43(b)**

Explanation: Cummins fleet did not display a DOT number and did not carry an UOT notification form, liability insurance and contingency plan within the vehicle.

Corrective Action: UOT shall comply with all applicable DOT regulations from 49 CFR Parts 171-180. The facility was required to submit corrective action picture with the fleet displaying DOT numbers and evidence of the required documentation within vehicles.

Comments:

This submittal is still pending to the Department.

Photo Attachments:

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Service van not compliant with DOT requirements



Type: Violation
Rule: **279.44(a)**
Explanation: There was no evidence evidence of used oil testing for total halogen content observed at the facility.
Corrective Action: UOT shall determine whether the total halogen content of the used oil transported is above or below 1,000 ppm. The facility was requested to provide documentation and evidence from the total halogen test conducted as corrective action.

Comments:

This violation is still pending to the Department.

Type: Violation
Rule: **62-710.500(1)**
Explanation: The facility was storing used oil for more than 24 hours without a Transfer permit.
Corrective Action: Used oil transporters and transfer facilities shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity,". Cummins was requested to either re-notify as a Transfer facility with the Division of Waste Management or comply with the 24-hour timeframes.

Comments:

The Department received an incomplete submittal on 11/20/2020; thus the violation remains open.

Type: Violation
Rule: **62-710.500(4)**
Explanation: The UOT registration from the facility was not observed posted at a prominent place at the facility.
Corrective Action: Each registered person shall display the validated registration form and identification number in a prominent place at each facility location. The facility was requested to post the UOT registration at a prominent place as corrective action.

Comments:

This submittal is still pending to the Department.

Photo Attachments:

The image shows a black display case containing various historical documents and certificates. The documents are arranged in a grid-like fashion. The top row includes a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services, a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services, and a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services. The middle row features a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services, a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services, and a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services. The bottom row contains a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services, a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services, and a 'Certificate of Incorporation' for the Florida Department of Agriculture and Consumer Services. The documents are framed by a black border.

Comments:

Comments:

Photo Attachments:

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Used oil filters and oily absorbent drums open



Used oil filters properly closed



PHOTO ATTACHMENTS:

Facility front



Water treatment system



Drainage system for used oil and water



Aerosol can puncturer system



Conclusion:

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Cummins was inspected as an UOT, VSQG of hazardous waste, generator of used oil, and a handler of universal waste, and it was found to be out of compliance for inadequate recordkeeping, missing used oil label, open used oil filter container, improper label of universal waste lamps and improper management of universal waste batteries.

Compliance assistance was provided during the inspection and in the exit interview dated 11/11/2020 and 11/23/2020. The facility was provided with a deadline of 11/23/2020 to complete the corrective actions.

On 11/20/200 the facility submitted partially photos and documentation of the corrective the actions. Three out of the ten violations cited in this report are resolved; therefore, a Compliance Assistance Offer Letter (CAOL) will be issued to the facility in order to address the remaining violations.

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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

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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)		✓	
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)62-710.850(5)(b)			✓
5.31	repair or replace any leaking used oil filter storage containers prior to returning them to service? 62-710.850(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?			✓

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	[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)			✓
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			

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	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.]			

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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

Juliana Reis	Inspector	
Principal Investigator Name	Principal Investigator Title	
	DEP	11/25/2020
Principal Investigator Signature	Organization	Date
Philip Alcantara	General Manager	
Representative Name	Representative Title	
	Cummins 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:	Alannah B Irwin	Inspection Approval Date:	11/30/2020
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