



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

July 5, 2022

Mr. Andy Moats, Program Manager
HEPACO, LLC
1830 Clarkson Street
Jacksonville, FL 32202
amoats@hepaco.com

**Re: Compliance Assistance Offer
HEPACO, LLC
EPA/DEP ID: NCD986194306 and FLR000005413
Duval County – Hazardous Waste**

Dear Mr. Moats:

Department personnel conducted a compliance inspection of the above-referenced facility on March 23, 2022, under the authority of Section 403.091, Florida Statutes. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving this matter.

Specifically, potential non-compliance with the requirements of Chapter 403, Florida Statutes, and Chapter 62-730, Florida Administrative Code, were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the 'New Potential Violations and Areas of Concern' and respond within 30 days of receipt of this Compliance Assistance Offer. Your response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a time schedule describing how/when the issue will be addressed;
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid; or
3. Arrange for the case manager to visit your facility to discuss the Areas 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 appropriately may result in the initiation of formal enforcement proceedings.

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Please address your response and any questions to Cheryl L. Mitchell of the Northeast District Office at 904-256-1620 or via e-mail at cheryl.l.mitchell@FloridaDEP.gov. We look forward to your cooperation in this matter.

Sincerely,



Joni Petry
Environmental Administrator

Enclosure: Inspection Report

Ec: Patricia Tubby (ptubby@hepaco.com); Wanda Bugielski (wbugielski@hepaco.com);
Michael Trammell (mtrammell@hepaco.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: HEPACO LLC
On-Site Inspection Start Date: 03/23/2022 **On-Site Inspection End Date:** 03/23/2022
ME ID#: 119817 **EPA ID#:** NCD986194306
Facility Street Address: 2711 Burch Drive , Charlotte, North Carolina 28269
Contact Mailing Address: 2711 Burch Dr, Charlotte, North Carolina 28269
County Name: All FL Cntys **Contact Phone:** (704) 598-9782

NOTIFIED AS:

Non-Handler, Transporter, Used Oil

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Commercial Waste **Used Oil:** Transporter, Oil Filters **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: Andy Moats, Project Manager

LATITUDE / LONGITUDE: Data is missing from FIESTA

NAIC: 562998 - All Other Miscellaneous Waste Management Services

TYPE OF OWNERSHIP: Private

Introduction:

HEPACO, LLC (HEPACO) was inspected on March 23, 2022. HEPACO is registered with the Department under EPA ID NCD986194306 as Used Oil Transporter, Used Oil Filter Transporter, Hazardous Waste Transporter, Universal Waste Lamps and Devices Transporter, and Petroleum Contact Water (PCW) Transporter. HEPACO operates a Florida facility (the facility) located at 1830 Clarkson Street in Jacksonville, FL (FLR000005413). Neither HEPACO NCD986194306 nor FLR000005413 have been inspected by the Department's Hazardous Waste Program. HEPACO FLR000005413 was inspected by the City of Jacksonville's Environmental Quality Division (EQD) on January 15, 2019, and was determined to be a Non-Handler of hazardous waste at that time. HEPACO performs all its waste transportation services in Florida under the NCD986194306 EPA ID, although its drivers are based at the Clarkson Street facility.

HEPACO is an environmental contractor that offers emergency spill response, site remediation, transportation, and waste management services. HEPACO has been in operation at this location since 2016 and has 8 employees. HEPACO has one vacuum truck, one tanker truck, six transportation trucks including one stakebed and one flatbed truck, and will rent box trucks, if required. The facility consists of administrative offices, a warehouse, and a vehicle and equipment parking area. The facility is connected to city water and sewer. Andy Moats (Project Manager) and Carl Jones (Chemist) 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 (Photo 1). Mr. Moats stated that no vehicle maintenance is performed on-site, and that no used oil, used oil filters, or hazardous waste is generated at the facility. A flammable locker was observed in the warehouse that was used for storage of product fuels, and aerosol paints and lubricants (Photos 2 and 3). Subsequent to the inspection, a HEPACO representative provided clarifying information that HEPACO utilizes aerosol products primarily at its client sites, and any waste generated from use of aerosols is managed by the client. 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.

At the time of the inspection there were eleven 55-gallon drums of non-hazardous petroleum-impacted waste, generated by customers, that were staged inside the warehouse pending transportation for disposal (Photo 4). One of the drums labeled as "Diesel-Impacted Pads" appeared to have leaked onto the concrete floor (Photos 5 and 6) [40 CFR 279.22(d)(3)]. HEPACO personnel responded to the release during the inspection by transferring the contents into a new container and using absorbent media to clean-up the spill.

USED OIL TRANSPORTER

HEPACO is authorized to perform used oil transportation services. HEPACO transports used oil directly to the used oil processor, Water Recovery, LLC (FLR000069062). However, HEPACO failed to perform halogen screening on used oil prior to transport [40 CFR 279.44(a)].

Used Oil Transporter Records Review:

HEPACO maintained used oil shipping documents for a period of three years. HEPACO also maintains an electronic log of all shipments. The shipping records were incomplete and did not include all the information required on FDEP form 62-710.901(2) such as the EPA ID# of the generator, and the used oil type codes and end use codes [62-710.510(1), FAC]. The date of delivery to Water Recovery is documented on the shipping documents, but it is recommended that HEPACO also include this information on its electronic log. HEPACO transported two shipments of used oil in 2019, four shipments of used oil in 2020, and three shipments in 2021. HEPACO failed to document results of halogen screening on the shipping documents [62-710.510(1)(g), FAC].

HEPACO provided documentation of its used oil transportation training program and documentation that employees had received the training annually. However, the training program was incomplete because it did not include a detailed description of the company's standard operating procedure for halogen screening at each pick up location [62-710.600(2)(b), FAC].

USED OIL FILTER TRANSPORTER

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

Used Oil Filter Transporter Records Review:

HEPACO maintained used oil filter shipping documents for a period of three years. HEPACO transported four shipments of used oil filters in April 2020 to Covanta Hunstville (AL0000266726), a waste-to-energy facility located in Alabama.

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HAZARDOUS WASTE TRANSPORTER

HEPACO is authorized to transport hazardous waste. HEPACO does not bring hazardous waste back to the facility, but transports it to a permitted Treatment, Storage, and Disposal facility (TSDF).

Hazardous Waste Transporter Records Review:

HEPACO maintains hazardous waste manifests for a period of three years. HEPACO transported six shipments of hazardous waste in 2021, five shipments of hazardous waste in 2020, and fourteen shipments in 2019. All hazardous waste manifests reviewed appeared to be in order.

PETROLEUM CONTACT WATER (PCW) TRANSPORTER

HEPACO is authorized to transport PCW. HEPACO transports PCW to Water Recovery, LLC (FLR000069062).

Petroleum Contact Water Transporter Records Review:

HEPACO maintained PCW shipping documents for a period of three years. HEPACO transported five shipments of PCW in 2020, 59 shipments in 2021, and three shipments through March 2022. One of the shipping documents reviewed did not correctly identify PCW as "Petroleum Contact Water" on the shipping document [62-740.100(4), FAC]. Shipments of PCW are sampled upon arrival at the PCW recovery facility, Water Recovery, and the results are documented on the shipping documents. Three of the shipping documents reviewed were annotated as having an oil content of 50%, 88% and 95%. Two of these same shipping documents were annotated as having 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. HEPACO 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.

UNIVERSAL WASTE LAMPS AND DEVICES TRANSPORTER

HEPACO is authorized to transport universal waste but infrequently performs this service for its customers. There were no shipping documents for universal waste during the previous three years.

VEHICLE AND EQUIPMENT PARKING AREA

The parking area is on the south and east side of the property. HEPACO parks its transportation vehicles, emergency response supply trailers, containers and equipment on-site while not in use (Photo 7). The parking lot is primarily compacted limerock. HEPACO's procedure is to deliver any waste it transports directly to its destination without storing it on-site.

At the time of the inspection, HEPACO was in the process of cleaning a mobile FRAC tank (Photo 8). Mr. Moats stated that the tanks are only used for non-hazardous waste and are cleaned after each use. The rinsewater is collected and disposed based on the type of waste it previously contained. It appeared that some rinsewater had been discharged, or overflowed, onto the surrounding limerock. This is an Area of Concern. The facility does not have a stormwater permit for this type of discharge. The facility should either relocate its cleaning process to an impervious surface that allows for collection of any overflow wastewater, or ensure proper collection and disposal of all wastewater generated during container cleaning.

RECORDS REVIEW

At the time of the inspection, HEPACO NCD986194306 was registered and operating as a Used Oil Transporter, Used Oil Filter Transporter, Hazardous Waste Transporter, Universal Waste Lamps and Devices Transporter, and Petroleum Contact Water (PCW) Transporter. HEPACO FLR000005413 is registered as a Non-Handler of hazardous waste. Records reviewed included manifests, shipping papers, annual registration, insurance liability coverage, Training Plan, personnel training records, and receiving and shipping waste inventory logs. All records reviewed appeared to be in order unless otherwise described herein.

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Copies of Northeast District's Transporter Workshop PowerPoint training documents and other workshop files that may be useful can be found here:

<ftp://ftp.dep.state.fl.us/pub/outgoing/NED%20-%20HazWaste/TRA%20WORKSHOP/>

Please note that you cannot access this site using Chrome so you will have to use another browser such as Edge, Firefox, Internet Explorer, etc.

For Outstanding Items of Potential Non-Compliance

Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the corrective action has been completed, please send documentation to the Principal Inspector listed on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

Area of Concern:

1. Three of the Petroleum Contact Water (PCW) shipping documents reviewed were annotated by the receiving facility as having an oil content of 50%, 88% and 95%. Two of these same shipping documents were annotated as having a flashpoint of <75°F. Under 62-740, FAC, PCW is defined as "water containing product." The elevated percentage of oil and the low flashpoint does not appear to meet this definition. Additionally, "Petroleum Contact Water" is not a proper shipping name for flammable liquids under Department of Transportation (DOT) Hazardous Material regulations. HEPACO should ensure that it transports PCW in compliance with applicable DOT rules as required in 62-740.200(1), FAC.

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

Type:	Violation 1
Rule:	279.22(d)(3)
Explanation:	The facility failed to respond to and clean-up a release of used oil from one 55-gallon drum labeled as of "Diesel-Impacted Pads."
Corrective Action:	No further action is required. The facility cleaned-up the release during the inspection.
Type:	Violation 2
Rule:	279.44(a)
Explanation:	HEPACO failed to perform halogen screening on used oil prior to transport.
Corrective Action:	In order to return to compliance, HEPACO should determine the total halogen content of used oil prior to each shipment.
Type:	Violation 3
Rule:	62-710.510(1)
Explanation:	HEPACO failed to maintain all the required information on the used oil it transports including the EPA ID# of the generator, and the used oil type codes and end use codes.
Corrective Action:	In order to return to compliance, HEPACO should ensure that it maintains complete records with all the required information including the following: (a) The name, business address, telephone number and EPA identification number of the transporter; (b) The source of the used oil, including the name and street address of each source, and

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the EPA identification number of the source if the generator has one;
 (c) The total number of gallons of used oil received from each source;
 (d) The type of used oil received, using the type code designation;
 (e) The date of receipt;
 (f) The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation.

A copy of the used oil electronic log that includes the required information listed above should be provided to the inspector listed on page 1 of this report.

Type: Violation 4
 Rule: **62-710.510(1)(g)**
 Explanation: HEPACO failed to document results of halogen screening on the shipping documents.
 Corrective Action: In order to return to compliance, HEPACO should record the results of halogen screening tests on shipping documents and maintain these records for three years. A copy of a shipping document from each of five different customers, that includes the halogen screening results performed by HEPACO, should be provided to the inspector listed on page 1 of this report.

Type: Violation 5
 Rule: **62-710.600(2)(b)**
 Explanation: HEPACO's employee training program was incomplete because it did not include a detailed description of the company's procedure for halogen screening of used oil prior to transport.
 Corrective Action: In order to return to compliance, HEPACO should incorporate procedures for halogen screening into its employee training program. A copy of the halogen screening procedure and training program should be provided to the inspector listed on page 1 of this report.

Type: Violation 6
 Rule: **62-740.100(4)**
 Explanation: HEPACO failed to correctly identify "Petroleum Contact Water" on at least one shipping document.
 Corrective Action: In order to return to compliance, the facility should ensure that the words "Petroleum Contact Water" are used on all shipping documents and not the acronym "PCW."

PHOTO ATTACHMENTS:

Photo 1



Photo 2



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Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



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1.0: Pre-Inspection Checklist

Requirements:

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


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

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

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Signed:

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

Cheryl L Mitchell	Inspector
Principal Investigator Name	Principal Investigator Title
	DEP
Principal Investigator Signature	Organization
	06/21/2022
	Date

Andy Moats	Project Manager
Representative Name	Representative Title
	HEPACO
	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: 06/21/2022
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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.