



Sales and Service

August 11, 2022

VIA E-MAIL

Ms. Joni Petry, Environmental Administrator
Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Re: Compliance Assistance Offer
Cummins, Inc.
EPA/DEP ID: FLR000233361
Duval County – Hazardous Waste

Dear Ms. Petry,

This correspondence serves as response to your Offer of Compliance Assistance dated July 12, 2022, for the Cummins Sales and Service (CSS NA) branch located 755 Pickettville Road, Jacksonville, FL 32220 (facility).

Areas of Concern

1. *Cummins should ensure that it operates under the used oil self-transportation definitions in 40 CFR 279 and 62-710, FAC, by not transporting more than 55-gallons of used oil at one time. Cummins should comply with all used oil transporter requirements in both these regulations. Once a decision is made, Cummins should provide documentation of its process to the inspector listed on page 1 of this report.*

Response: Cummins has elected to meet the used oil transporter requirements by registering as a used oil transporter on March 10, 2022. A copy of the registration form is provided as Attachment A.

2. *In the Used Oil Storage and Waste Accumulation Area there was one 55-gallon drum that contained diesel fuel from drained fuel filters. According to the facility's waste profiles, waste diesel fuel appears to be managed as RCRA-exempt fuel for energy recovery, but shipping records only list gasoline, not diesel fuel. The drum was not labeled to indicate the contents. There was also a 55-gallon drum located in the area that was stated to contain spent fuel, possibly a combination of diesel and gasoline. The drum had three different labels as to the contents. The facility did not have a waste profile for waste gasoline and the shipping documents did not include a description of how the waste fuel was being managed. The facility should ensure that all waste containers are properly labeled to indicate the contents of the containers and ensure that accurate waste determinations have been performed for all wastes. Cummins should provide waste determination documentation that includes how it is managing its waste diesel fuel and/or waste gasoline to the inspector listed on page 1 of this report?*

Response: The excess diesel and gasoline generated during equipment service that was observed during the inspection is sent offsite for recycling or energy recovery. Consistent with FDEP's April 9, 2013, guidance regarding *Management of Gasoline Fuel Filters*, this excess fuel is not a waste. The facility has labeled the drum consistent with its profile name. A photograph of the label is provided as Attachment B. A waste profile for the spent fuel is provided as Attachments C.



Alleged Violations

1. *The facility failed to make an accurate waste determination on the following waste streams:*
 1. *Spent parts washer solvent;*
 2. *Oily absorbents;*
 3. *Mop water and Zamboni floor scrubber water;*
 4. *Water Maze® sludge/filter debris, and*
 5. *Water Maze® treated washwater.*

Response: As an initial matter, Cummins notes that pursuant to 40 C.F.R. § 261.3(d), adopted by reference at 62-730.030, Florida Administrative Code, wastewater discharged to a Publicly Owned Treatment Works (POTW) is excluded from the definition of "hazardous waste". Mop water, Zamboni floor scrubber water, and Water Maze treated washwater are discharged to the POTW and as non-solid waste and require no further characterization. In addition, the facility has historically characterized its waste based upon "knowledge of their waste" as authorized by 40 C.F.R. § 260.10(a)(2)(ii) (also adopted by reference). However, while Cummins has knowledge of its waste consistent with this provision, the facility has agreed to conduct the requested TCLP tests excluding the Water Maze® treated washwater and will provide the results once received.

2. *The facility failed to properly manage wipes used with Brakleen.*

Response: The facility has revised its wipe management processes to manage them as excluded solvent contaminated wipes in accordance with 40 CFR 261.4(a)(26) or 40 CFR 261.4(b)(18). See Attachment D.

3. *The facility failed to label one 55-gallon drum of used oil filters as "Used Oil Filters." In order to return to compliance, the facility should label all containers of used oil filters as "Used Oil Filters."*

Response: The drum has now been labeled Used Oil Filters. See Attachment E.

Finally, we want to note that we have attempted three times to coordinate a meeting with the oil water separator vendor (Aqua Engineers). Our contact is:

Sandie Harris
Aqua Engineers
(770) 944-6677 / (888) 291-6677
6955 Oak Ridge Pkwy, Ste 107
Austell, GA 30168

Please feel free to contact Ms. Harris directly. Please advise CSS NA if there is additional information that is needed to close out the above action items.

Sincerely,

Mr. William Powell, General Manager
755 Pickettville Road
Jacksonville, FL 32220
Email: william.powell@cummins.com



**Sales and
Service**

ATTACHMENT A

Used Oil Transporter Registration Letter



**FLORIDA DEPARTMENT OF
Environmental Protection**

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

March 10, 2022

Nicole Johnson
Cummins Inc
5125 Highway 85
Atlanta, GA 30349

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

BE IT KNOWN THAT

Cummins Inc
755 Pickettville Rd
Jacksonville, FL 32220- 2708

IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C.)

For regulatory guidance, go to:

http://www.dep.state.fl.us/waste/categories/used_oil/default.htm

The Department of Environmental Protection hereby issues

Registration Number **FLR000233361** on March 10, 2022

Transporter Type: **FH**

This registration will expire on 6/30/2023

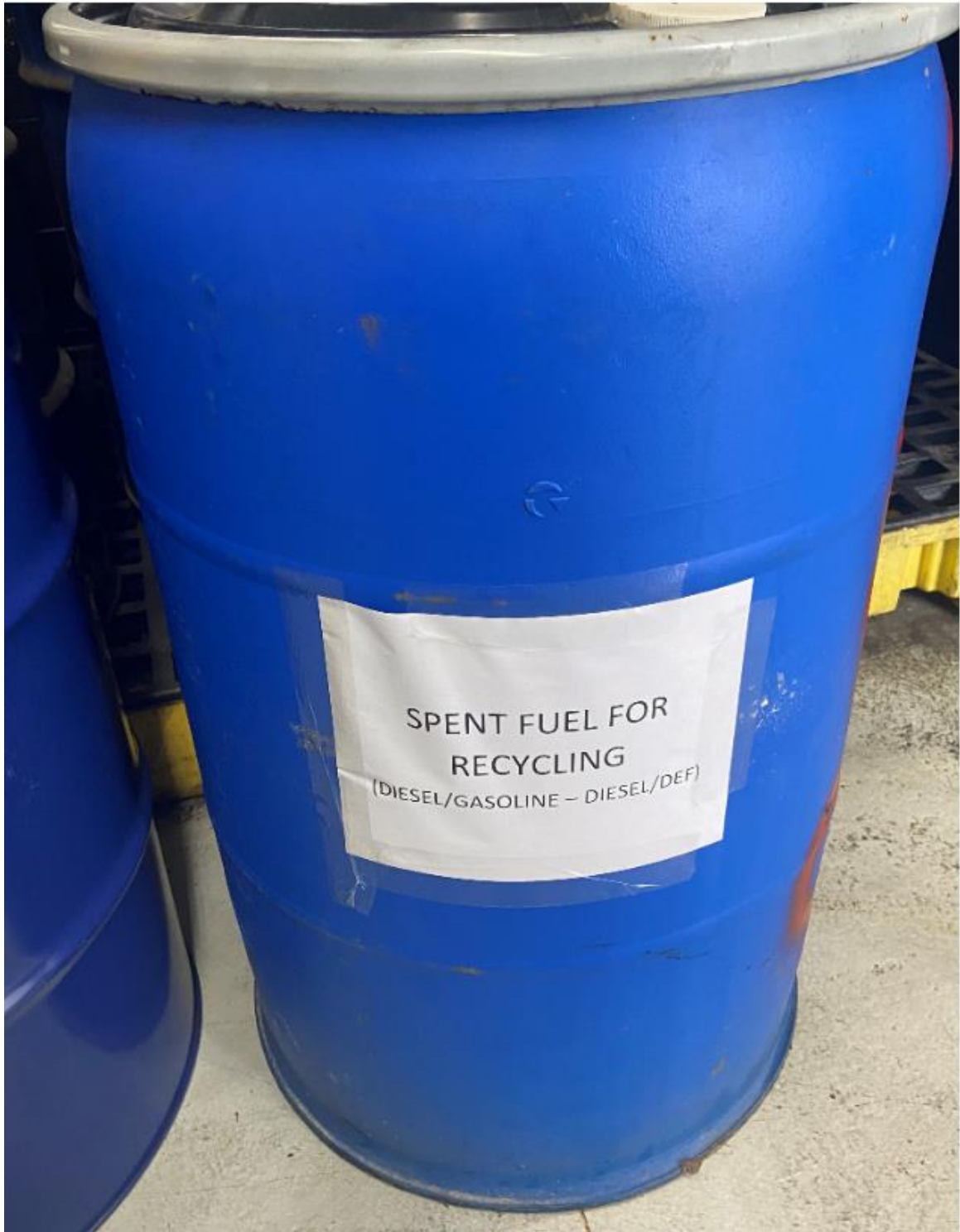
This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your cancelled check are your receipts.

**Janet Ashwood
Environmental Consultant
Waste Compliance Assistance Program**



**Sales and
Service**

ATTACHMENT B





**Sales and
Service**

ATTACHMENT C

| Crystal Clean | | Heritage-Crystal Clean | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--------|--|---|--------------|-------|-------|-----|-------------|--------|---|---|-------|-----|---|--|-----|-----|---|--|----------|-----|---|--|----------------------------|-----|---|--|
| WASTESTREAM SURVEY FORM | | email: cc_waste_approvals | | | | | | | | | | | | | | | | | | | | | | | | | |
| HCC Branch: <input type="text" value="Jacksonville"/> | | HCC Representative: DALTON REGISTER | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. GENERATOR INFORMATION: | | 2. PACKAGE/SIPPING: | | | | | | | | | | | | | | | | | | | | | | | | | |
| Generator: CUMMINS POWER SOUTH | | Containerized Waste <input type="checkbox"/> One time pickup | | | | | | | | | | | | | | | | | | | | | | | | | |
| Address: 755 PICKETTVILLE RD | | Container Type: <input type="text" value="DM"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| City, State, Zip: JACKSONVILLE, FL, 32220 | | Container Size: <input type="text" value="55 GAL"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Phone: 904-517-5428 | | Loosepack? <input type="text" value="NO"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Contact Name: JASON CATRETTE | | Size of Smallest Inner Containers: <input type="text" value="1-4"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| E-Mail Address: <input type="text" value="USEPA ID: FLR000233361"/> | | Bulk Truck | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. SIC / NAICS CODE: 4222 | | Type of vessel material will be pumped out of: <input type="text" value=""/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| If 3312, do you perform Coke Oven Byproduct Recovery Operations? <input type="text" value=""/> | | Truck type for initial pickup: <input type="text" value=""/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| If 28, 2911, 3312, or 4953, what is the Total Annual Benzene (TAB) in megagrams/year? <input type="text" value=""/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. Name of Waste: Spent Fuel for Recycling (diesel/gasoline diesel/DEF) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. How is Waste Generated? (required): Products derived from vehicle service within the branch | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Material is: <input type="checkbox"/> Used <input type="checkbox"/> Unused | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. DOT Description: UN1203, Gasoline, 3. PG II, (RCRA EXEMPT FUEL) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. WASTE COMPOSITION: Use specific chemical names or product names from SDS, list all constituents present in wastestream. List all UHCs and F001-F005/F039 constituents. Total composition must equal or exceed 100% | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"><thead><tr><th>Constituents</th><th>Range</th><th>Units</th><th>UHC</th></tr></thead><tbody><tr><td>DIESEL FUEL</td><td>90-100</td><td>%</td><td>Generator grants HCC permission to assign UHC/COC for the LDR where appropriate based on analysis, SDS, and other supporting information?</td></tr><tr><td>WATER</td><td>0-5</td><td>%</td><td></td></tr><tr><td>OIL</td><td>0-5</td><td>%</td><td></td></tr><tr><td>GASOLINE</td><td>0-5</td><td>%</td><td></td></tr><tr><td>DIESEL EXHAUST FLUID (DEF)</td><td>0-5</td><td>%</td><td></td></tr></tbody></table> | | | | Constituents | Range | Units | UHC | DIESEL FUEL | 90-100 | % | Generator grants HCC permission to assign UHC/COC for the LDR where appropriate based on analysis, SDS, and other supporting information? | WATER | 0-5 | % | | OIL | 0-5 | % | | GASOLINE | 0-5 | % | | DIESEL EXHAUST FLUID (DEF) | 0-5 | % | |
| Constituents | Range | Units | UHC | | | | | | | | | | | | | | | | | | | | | | | | |
| DIESEL FUEL | 90-100 | % | Generator grants HCC permission to assign UHC/COC for the LDR where appropriate based on analysis, SDS, and other supporting information? | | | | | | | | | | | | | | | | | | | | | | | | |
| WATER | 0-5 | % | | | | | | | | | | | | | | | | | | | | | | | | | |
| OIL | 0-5 | % | | | | | | | | | | | | | | | | | | | | | | | | | |
| GASOLINE | 0-5 | % | | | | | | | | | | | | | | | | | | | | | | | | | |
| DIESEL EXHAUST FLUID (DEF) | 0-5 | % | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Attachment included for additional constituents | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9. Attachments: <input type="checkbox"/> SDS <input type="checkbox"/> Analysis <input type="checkbox"/> Other <input type="checkbox"/> None | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10. THIS WASTE IS RCRA HAZARDOUS: <input type="checkbox"/> YES <input type="checkbox"/> NO Note: all universal waste is RCRA-hazardous | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| If YES, EPA Waste Codes: <input type="text" value=""/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| If NO, this waste is not RCRA hazardous because (choose A, B or C): | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A. Non-hazardous <input type="checkbox"/> SDS (attach copy) <input type="checkbox"/> Analysis (attach copy) <input type="checkbox"/> Generator Knowledge | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B. Waste is Used Oil (answer all) Waste meets the definition of Used Oil per 40 CFR 2797 <input type="checkbox"/> YES Types of oil (e.g. hydraulic): <input type="text" value=""/> How used: <input type="text" value=""/> Mixed with haz waste? <input type="checkbox"/> Yes <input type="checkbox"/> No Total halogens (check one): <input type="checkbox"/> <1000 ppm <input type="checkbox"/> >1000 ppm | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C. Exemption or Exclusion Apply (check 1) <input type="checkbox"/> Universal Waste <input type="checkbox"/> Scrap metal exemption <input type="checkbox"/> Commercial Chemical Fuel 40 CFR 261.2(c) <input type="checkbox"/> EBP exemption 40 CFR 261.4 <input type="checkbox"/> Other (provide regulatory reference) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11. State Waste Codes (if applicable): | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12. Color: VARIES # of layers: 1 Odor: MILD | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| % Solids (no powder): % Liquids: 100 % Gas: % Sludge: % Powder | | | | | | | | | | | | | | | | | | | | | | | | | | | |

010 form rev. date 05/18

| | | | |
|---|--|---|--|
| 13. Physical Properties at 70 degrees F: <input type="text" value="LIQUID"/> | | 14. Chemical Properties: pH or pH Range: 4-10 | |
| If solid, are there free liquids? <input type="text" value=""/> | | Flash Point (°F): <input type="text" value="73-140"/> | |
| If no, will waste dump from the Drum? <input type="text" value="YES"/> | | <73 73-140 141-200 >200 | |
| Is the wastestream pumpable? <input type="text" value="YES"/> | | Boiling Point (°F): <input type="text" value="95"/> | |
| Does the wastestream contain debris? <input type="text" value="NO"/> | | <95 >95 | |
| If yes, describe: <input type="text" value=""/> | | Fuel Value (BTU/lb): <input type="text" value="5000-10000"/> | |
| | | <2500 2500-5000 5000-10000 >10000 | |
| 15. Check ("X") all that apply. Marking any of these may require additional documentation or follow-up information. | | 16. Does the waste contain any PCBs? (per 40 CFR 761) <input type="text" value="NO"/> | |
| Air Reactive <input type="checkbox"/> | | If yes, PCB Concentration? <input type="checkbox"/> <50 ppm <input type="checkbox"/> >50 ppm | |
| Asbestos <input type="checkbox"/> | | Greater than 50 PPM source? <input type="text" value=""/> | |
| Autoignitable/Pyrophoric <input type="checkbox"/> | | 17. Does this material require any special handling? <input type="text" value="NO"/> | |
| Biological/Etiological/Medical <input type="checkbox"/> | | If yes, explain: <input type="text" value=""/> | |
| Compressed Gas <input type="checkbox"/> | | 18. Generated from electroplating process? <input type="text" value="NO"/> | |
| Dioxins <input type="checkbox"/> | | <input type="checkbox"/> check if cyanides are used in process | |
| Explosive <input type="checkbox"/> | | 19. Does generator require specific paperwork or routing? | |
| Herbicides <input type="checkbox"/> | | <input type="checkbox"/> No Special Requirements (Default) <input type="checkbox"/> Other Generator Requirement (specify in 20) | |
| Insecticide/Pesticide <input type="checkbox"/> | | <input type="checkbox"/> Ship CERCLA/VSCG Direct to TSD <input type="checkbox"/> Manifest Requested (EPA ID req'd) | |
| Lab Pack <input type="checkbox"/> | | <input type="checkbox"/> Hazardous Label Requested | |
| Metal fines/powders <input type="checkbox"/> | | 20. Additional Comments: | |
| Type: <input type="text" value=""/> | | | |
| Oxidizer <input type="checkbox"/> | | | |
| Pathogen/Infectious/Sanitary <input type="checkbox"/> | | | |
| Polymerizable <input type="checkbox"/> | | | |
| Radioactive <input type="checkbox"/> | | | |
| Shock Sensitive <input type="checkbox"/> | | | |
| Spontaneously Combustible <input type="checkbox"/> | | | |
| Water Reactive <input type="checkbox"/> | | | |
| Check if None Apply <input checked="" type="checkbox"/> X | | | |
| 21. Certification (sign and date certification) | | PRINTED NAME William Powell | |
| I hereby certify that all information submitted herein and attached hereto contains true, accurate, and complete descriptions of the Waste Materials. All relevant information regarding known or suspected hazards in the possession of the generator has been disclosed. I have reviewed the physical facilities, administrative practices, and operational procedures (or have directed the completion of such review) and based on this review do willingly make this certification. I authorize HCC to obtain subsequent sample from any waste shipment as necessary. I will notify HCC if my generator status, waste description or any other information on this form changes. | | SIGNATURE <i>William Powell</i> DATE 6/3/2022 | |
| | | COMPANY NAME CUMMINS POWER SOUTH | |



**Sales and
Service**

ATTACHMENT D





**Sales and
Service**

ATTACHMENT E

