From:	Susan Jablonski
To:	[redacted]
Cc:	OCE; Ramiro Garcia; Bryan Sinclair; [redacted] Michelle Harris; Cameron Lopez
Subject:	RE: Enforcement Discretion Response - Statewide Impacts to Heritage-Crystal Clean, LLC ("HCC")
Date:	Tuesday, April 28, 2020 4:34:25 PM
Attachments:	Used Oil 35 Day Texas Request for Enforcement Discretion.pdf RE Enforcement Discretion Follow-up.msg

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Anita Decina
Vice President, Environment, Health and Safety
Heritage-Crystal Clean, LLC
2175 Point Blvd., Ste 375
Elgin, Illinois 60123

Dear Ms. Decina:

This is in response to your request dated April 22, 2020, received April 23, 2020, and follow-up email received April 27, 2020. These correspondence seek enforcement discretion to exceed the 35-day limit for storing used oil (UO), as required under Title 40, Code of Federal Regulation (CFR), §279.45, at transfer facilities operated by Heritage-Crystal Clean, LLC (HCC), throughout the state of Texas, specifically located in Brownsville, Carrollton, El Paso, Fort Worth, Greensport, Lubbock, Luling, Odessa, and Kilgore.

The Texas Commission on Environmental Quality (TCEQ) is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing operational difficulties due to the COVID-19 pandemic. The issues you outline in your request are impacts we would consider granting enforcement discretion. Requirements to social distance have reduced staffing and limited, or prohibited, access to UO customers. These conditions have increased the time required to completely fill railcars used for transporting UO. As you have outlined in your request, transporting railcars at partial capacity decreases stability of the railcars. Based on the current operating scenario, your request is approved with the following stipulations and requirements also being met:

- Provide a listing of specific HCC transfer facilities, by name, registration numbers, and addresses, for which the enforcement discretion will be applicable is to be provided to the TCEQ, prior to any storage of UO beyond the 35-day limit. Additionally, a primary contact, with name, title, and phone number for each identified transfer facility must be included in this listing.
- Ensure that transfer facilities will not store UO shipments for a period greater than 90 days.
- Ensure transfer facilities follow all requirements of 40 CFR §279.45, including secondary containment and labeling, are met. Additionally, secondary containment structures will be inspected at a minimum of every 30 days for integrity and releases. These inspections must be documented and provided for review to the TCEQ upon request.
- For each identified transfer facility, no more than a singular container, with a maximum capacity of 25,000 gallons (i.e, railcar) will be utilized for UO storage at any given time.
- Ensure transfer facilities will not conduct any additional processing of UO beyond that which is incidental to UO transportation and transfer facility

operations.

- Ensure transfer facilities will comply with the re-refiner and processor equipment requirements of 40 CFR §279.52(a)(2)(i)-(iv).

This correspondence will serve as authorization for your request. A 90-day extension is granted for enforcement discretion until July 22, 2020.

If you have any questions, please feel free to contact Cameron Lopez, San Antonio Region Waste Section Manager at Cameron.Lopez@tceq.texas.gov, or (210) 403-4044.

Sincerely,

Susan Jablonski, P.E.
Area Director for Central Texas
Texas Commission on Environmental Quality
(512) 239-6731

Begin forwarded message:

From: "Decina, Anita" <[redacted]
Date: April 23, 2020 at 10:07:15 AM CDT
To: Toby Baker <Toby.Baker@tceq.texas.gov>
Cc: Bryan Sinclair <bryan.sinclair@tceq.texas.gov>, "Recatto, Brian" <[redacted]
Subject: Heritage-Crystal Clean, LLC ("HCC") Request for Enforcement Discretion

April 22, 2020

Toby Baker, Executive Director
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

Re: Request for Enforcement Discretion to Exceed 35-day Storage Period for Used Oil Transfer Facility under 40 C.F.R. 279.45

Dear Executive Director Baker:

This letter asks the Texas Commission on Environmental Quality ("TCEQ") to exercise enforcement discretion under TCEQ's regulatory guidance for COVID-19 ("TCEQ Guidance") and the U.S. EPA March 26, 2020 Memorandum, *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program*, to temporarily allow Heritage-Crystal Clean, LLC to exceed the 35-day limit for storing used oil at transfer stations under 40 C.F.R. § 279.45.[1] We provide the rationale and basis for this request below.

I. BRIEF BACKGROUND

Heritage-Crystal Clean, LLC ("HCC"), along with providing full-service parts cleaning, containerized waste management, vacuum truck services, and other waste services, is the second largest used oil collector and re-refiner in North America. In 2019, HCC collected more than 65 million gallons of used oil from customers, ranging from automotive shops to small- and mid-sized industrial manufacturers. Used oil collected by HCC is processed at its Indianapolis re-refinery and returned to the economic mainstream as a renewal resource at a recovery rate of approximately 80%.

HCC's used oil business is heavily dependent on a logistical network of railcar hubs or transfer facilities. HCC collects used oil in route trucks and then transfers the oil to railcars at sixty (60) locations throughout the country. These railcar hubs operate as used oil transfer facilities under 40 C.F.R. 279.45. Under this provision, used oil transfer facilities can store used oil for up to 35 days without being subject to regulation as a used oil processor or re-refiner. *Id.; see* 40 C.F.R. Subpart F.[2]

[1] Texas has adopted by reference 40 C.F.R. § 279.45. *See* 30 Tex. Admin. Code § 324.11.
[2] This is analogous to 40 C.F.R. § 262.17, which allows generators to store hazardous waste for up to 90 days without a permit. If they exceed this time limit, the generator is subject to regulation as a storage facility and must obtain a permit.

II. NEED FOR ENFORCEMENT DISCRETION

A. Direct Effect of COVID-19

The need for enforcement discretion is a direct result of the COVID-19 pandemic. During the COVID-19 crisis, HCC's workforce is deemed "essential" by the Cybersecurity and Infrastructure Security Agency in many categories, including water, energy, wastewater, public works, transportation and logistics, critical manufacturing and chemical.[3] Nevertheless, while HCC's workforce is essential, it has experienced a sharp decline in the volume of used oil collected from its customers. Among the numerous U.S. businesses experiencing a dramatic decrease in business are many of HCC's core used oil customers, ranging from automotive repair shops to small and mid-sized industrial operations. Many of these businesses have ceased operations altogether; some prohibit entry to service providers. Automotive repair shops in particular are suffering because of reductions in commuting and travel.

HCC experiences the reduction of used oil generation first-hand. In a normal business climate, HCC will fill a 25,000 gallon railcar in roughly thirteen (13) days and ship it off-site to a recycling facility well within the required 35-day period. With the dramatic decrease in incoming volumes, however, HCC has been forced to ship the railcars off-site when they are less than half-full. This situation upsets the economic viability of the entire used oil recycling network. Because it is forced to transfer less-than-full railcars HCC winds up losing money on every transaction. Without the temporary regulatory relief requested, we estimate HCC could incur an extra $8M-$9M in costs, potentially impacting employment company-wide. We fear that as a consequence, HCC may no longer be able to provide this essential service, which in turn will lead to widespread lay-offs and potentially disastrous financial consequences for HCC. Equally important is that without viable used oil collection services such as HCC, we may reach a point soon where some smaller used oil generators will find it hard to receive used oil removal and disposal services, which will potentially lead to the on-site accumulation of used oil and adverse environmental consequences.

As explained below, this situation can be easily remedied if, for a short duration, TCEQ exercises its discretion not to enforce the 35-day storage limit against HCC during the COVID-19 crisis. In sum, HCC believes that because of the high integrity of railcars and increased inspection protocol, there will be no threat to human health and the environment of a release. Hazardous waste generators, as an example, are able to store hazardous waste on-site for up to 90 days (and more under the COVID-19 policy) because there are procedures in place under the regulations for protecting against spills. A railcar is a safe and secure method for used oil storage and the chances of a spill or release in a railcar are very minimal. We believe the institution of similar procedures at the railcar facilities will be equally effective in protecting against spills and leaks.

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[3] *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response.* (March 19, 2020).

B. Application of the TCEQ Guidance & U.S. EPA's COVID-19 Enforcement Discretion Policies

The TCEQ Guidance[4] reflects the departments "steps to minimize the impact of COVID-19 on both [its] staff and [its] customers." We agree that the pandemic should not "interrupt[] TCEQ's efforts to fulfill its mission to protect public health and the environment." The policy recognizes, we believe, that increased flexibility in applying regulations is warranted under certain circumstances because of the immediate health threats of COVID-19.

Although the Guidance does not expressly apply to 40 C.F.R. § 279.45, Chairman Jon Niermann's open letter regarding COVID-19 response recognizes that "it may be inappropriate to pursue enforcement for violations that were unavoidable due to the pandemic or where compliance would create an unreasonable risk of transmitting COVID-19 or otherwise impede an appropriate response to the pandemic" and that TCEQ should therefore "consider exercising its discretion to not bring enforcement actions for such violations on a case-by-case basis." This is one of those cases.

Similar to the TCEQ Guidance, U.S. EPA's recent enforcement discretion policy, *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program* ("EPA COVID-19 Policy") (March 26, 2020), recognizes that the COVID-19 pandemic has created unprecedented disruptions in U.S. industry and provides that EPA will exercise increased flexibility and discretion in enforcing environmental regulations to regulated persons.

Although the EPA COVID-19 Policy likewise does not explicitly discuss the case of exceeding the 35-day holding period for a used oil transfer facility, it does address an analogous circumstance: the inability of a hazardous waste generator to ship waste off-site with the 90 day RCRA accumulation period. In that instance, per the policy, "the facility should continue to properly label and store such waste and take the steps identified under Part I. A, above. If these steps are met, as an exercise of enforcement discretion, the EPA will treat such entities to be hazardous waste generators, and not treatment, storage and disposal facilities."

Section I.D.3. of the EPA COVID-19 Policy contains a catch-all provision, stating that if facility operations result in noncompliance not already addressed in the current policy, "regulated entities should take the steps identified under Part I.A." These steps are:

1. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19.
2. Identify the specific nature and dates of the noncompliance;
3. Identify how COVID-19 was the cause of the noncompliance, and the decision and action taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity;

[4] TCEQ Regulatory Guidance: Coronavirus Disease 2019 (COVID-19), available at https://www.tceq.texas.gov/response/covid-19/tceq-preparedness-responsibilities-covid-19.

4. Return to compliance as soon as possible; and
5. Document the information, action or condition specified in a. through d.

HCC is prepared to implement these steps immediately.

C. Steps to Minimize the Environmental Impact of the Temporary Non-Compliance.

1. Act Responsibly

HCC will exceed the 35-day limit only as necessary to fill a railcar. It will limit the total storage period to 90 days. During the storage period, HCC will conduct regular inspections of the railcar to ensure the integrity of the equipment and to check for leaks. HCC personnel are onsite at these locations daily, and all locations are equipped with spill response equipment. Personnel have been thoroughly trained in the safe loading and unloading of railcars, and dome lids will be kept securely closed when not in use. HCC will document the total storage period along with a record of any leaks, spills, or similar issues, along with a resolution of them. We have attached information documenting the protective measures during the extended storage period at the railcar loading facilities.

2. The Specific Nature and Dates of Noncompliance

As indicated, HCC must exceed the 35-day period in order to continue providing the essential service of used oil collection and recycling. It may be noted that properly conducted recycling is one of underlying purposes of the Resource Conservation and Recovery Act (42 U.S.C. § 6902(a)(6)) Also, the Used Oil Recycling Act of 1980 (codified as amended at 42 U.S.C. § 6935(a)) and Texas administrative regulations (*e.g.* 30 Tex. Admin. Code § 324.7), encourage the recovery and recycling of used oil in order to reduce the amount of used oil that is improperly disposed.

3. How COVID-19 is the Cause of the Noncompliance, the Actions taken in response and Best Efforts to Comply and come Into Compliance.

As discussed above, COVID-19 has had a direct effect on dramatically reducing the volume of used oil generated in this country. Many industries that generate used oil have either curtailed operations or ceased operations altogether. As a consequence, the reduced used oil generation volumes have led to corresponding declines in used oil pick-ups and in the volume of used oil available for transfer and processing. HCC's logistical network is set up to use railcars at selected locations to transfer the used oil to its re-refinery in Indianapolis. As matters now stand, HCC must move the railcars from the transfer hubs within 35 days regardless of the volume of used oil in the railcar. This practice destroys the economic viability of HCC's entire logistical network for used oil collection and recycling.

Since the onset of the COVID-19 pandemic, HCC has tried to operate its business within the current regulatory requirements, but it cannot control the volume of used oil generated.

4. Return to Compliance

As soon as the pandemic passes and used oil generation rates increase, HCC will decrease the time period (beyond the 35 days) for storing the used oil in the rail cars until it can comply with the 35 day period. HCC has no intention of exceeding this reasonable time on a regular basis but only during these unusual economic conditions.

5. Document the Information Above

HCC commits to documenting the steps outlined above to minimize the environmental impact of the temporary non-compliance.

III. CONCLUSION

HCC is making every good faith effort to comply with its obligations, and does not want to be subject to an enforcement action for exceeding the 35-day storage period. We believe that the present circumstances qualify for enforcement discretion as described in the TCEQ Guidance and EPA's COVID-19 Policy. HCC does not intend to exceed the 35-day storage limit except as necessary to remain a viable business. It would not be making this request if its business did not depend on obtaining relief from the storage requirement. An emergency rulemaking is not a viable option, given the time constraints and workforce issues within the government. Therefore, HCC is faced with the choice of seeking enforcement discretion or to potentially severely limit – if not suspend – this business. While used oil collection and railcar transfer facilities may not operate in the most well-known of industrial areas, HCC is an essential business, employs over one thousand workers, and is a critical part of the recycling business in the U.S.

HCC requests immediate relief from the storage limitation as it must begin taking action to lessen the economic impact of the 35-day storage limitation no later than April 27, 2020. Therefore, we ask that the TCEQ either confirm that it will exercise its enforcement discretion by that time or provide other clear direction for how HCC can manage its operation during this time period. If HCC does not hear from the TCEQ by that time, it may be forced either to curtail operations or to exceed the 35-day limit to remain in this business. Needless to say, we would much prefer to hear from the TCEQ before exceeding the storage limit.

Please call or email me at [redacted] or 847-783-5924 if you have any questions or guidance on this request.

Very truly yours,

Anita Decina
Vice President, Environment, Health and Safety
Heritage-Crystal Clean, LLC
2175 Point Blvd., Ste 375
Elgin, IL 60123
[redacted]
630-783-5924

Enclosure

cc: Bryan H. Sinclair, Director, Office of Compliance & Enforcement, bryan.sinclair@tceq.texas.gov

HCC Field Railcar Operations

Heritage-Crystal Clean, LLC

Updated: January 2020

Scope

- Includes:
  - PPE Requirements
  - Receiving a Railcar
  - Spill Response & Control
  - Railcar Setting
  - Railcar Inspection
  - Railcar Climbing Safety
  - Initial Opening of the Railcar
  - Loading the Railcar
  - Offering Railcar for Transport
- Requirements: 49 CFR Parts 172-174
- Supplements all other existing Standard Operating Procedures established

Required PPE

- The following PPE is required for all Railcar activities
  - Safety Shoes in compliance with HCC's PPE Program
  - Nitrile gloves
    - Must be free of slippery oily residue
  - Hard hat
  - Hearing protection
    - Recommended when operating vacuum truck pump
  - High Visibility Safety Vest
  - Uniform in compliance with HCC's PPE Program
- All PPE can be obtained through the Fisher Online Ordering System

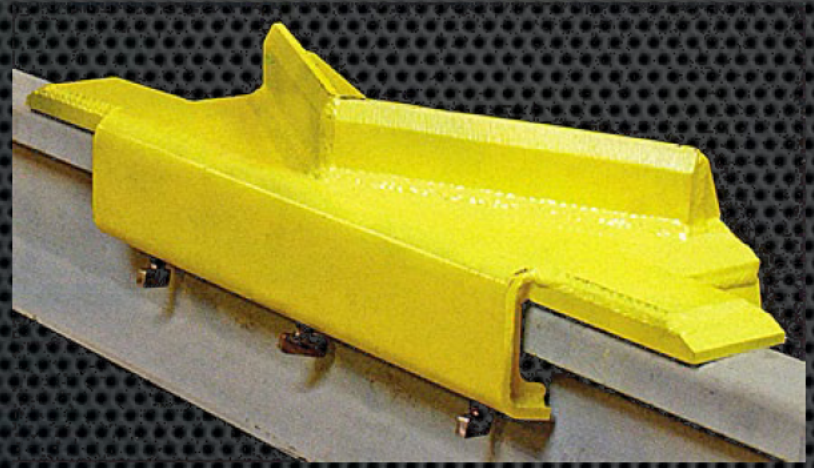



Spill Response & Control

- If you experience a spill, the described process in this slide MUST be followed.
- In the event of a spill in excess of 12 oz., you must contact Chemtrec as soon as safely possible (800) 424-9300 “1”. This includes spills on the ground, side of the railcar, top of the railcar, etc.
- Depending on the rail site, notification may be required to an emergency number for the rail site. Prior to initiating operations, communication between the Facility Manager and the rail site must occur in order to determine if this is required and the appropriate number to call. If you have questions, email CC_Transportation.
- A rail site spill kit must always be present for immediate control of the spill. If it is not present, order through your Hub immediately.

Receiving a Railcar

- Each rail site will receive a daily tracking report showing railcar location
  - Assists the facility manager in determining when the railcar will arrive
  - If you do not receive a report, contact CC_Transportation
- Remove the derailer prior to railcar arrival
  - Derailers are emergency stopping devices for railcars
    - Required to keep railcars from unintentionally moving onto or off of active rail lines



Receiving a Railcar (cont'd)

- Remove blue stop sign attached to the rail in front of cars already onsite. Flag must be placed in the vertical plane in the gauge of the track (shown in the picture). The sign may also be displayed on the end of the tank car.
  - Blue Stop Signs are required to be in place in front of, or attached to railcars whenever work is being conducted on the railcar; i.e. car is being actively loaded/unloaded.
    - Blue stop sign may only be removed by the person who placed it or a trained member of the same organization.
    - While in place, no equipment may come within 150' of the flag or 50' in rail yards or service areas where the max speed is 10 MPH.
    - If offloading at a third party managed site, they may be responsible for removal of the blue stop sign and derailer
      - Responsibilities must be fully understood prior to beginning operations.

- An HCC Railcar Trained Employee (RTE) should be in attendance whenever possible, for all railcar staging and/or movement. You are considered an RTE after completion of this training module.

Setting the Railcar

- Once received off the spur, the RTE (or 3rd party personnel at contracted site, if applicable) must replace the Derailer and Blue Stop Sign.
  - Affix Blue Stop Sign 30 feet ahead of the railcar on the track, behind the car and closest to the head of the rail spur
  - Sign must also be mounted at a right angle to the track so persons approaching the equipment along the track will face the flag

- Set Derailer as the last line of defense to prevent the railcar from rolling off the spur onto the main line.
  - If the rail spur is an active spur with cars moving on and off, the sign and derailer may need to be removed and set during each offload. This discussion must be had between HCC and the Rail Manager prior to 1st offload.
- RTE must place the wheel chock on the rail – front and back - behind at least one wheel of the railcar at either end to prevent movement in either direction

Setting the Railcar (cont'd)

- Grounding clamp must be firmly affixed to the railcar for any flammables or combustibles, easily identified by placard type and UN/NA number
  - Ensure there is a good connection between the railcar and grounding cable by scratching tips of grounding clamp through any rust or paint to bare metal
  - Ensure a solid connection between grounding cable and grounding stake
  - Grounding cable must be attached to tank portion of car and not wheel truck assembly
    - Tank sits on the wheel truck assemblies and is not physically connected to them
  - Placards must be in good repair and legible
    - Must be repaired or replaced, as necessary, prior to any further railcar movement

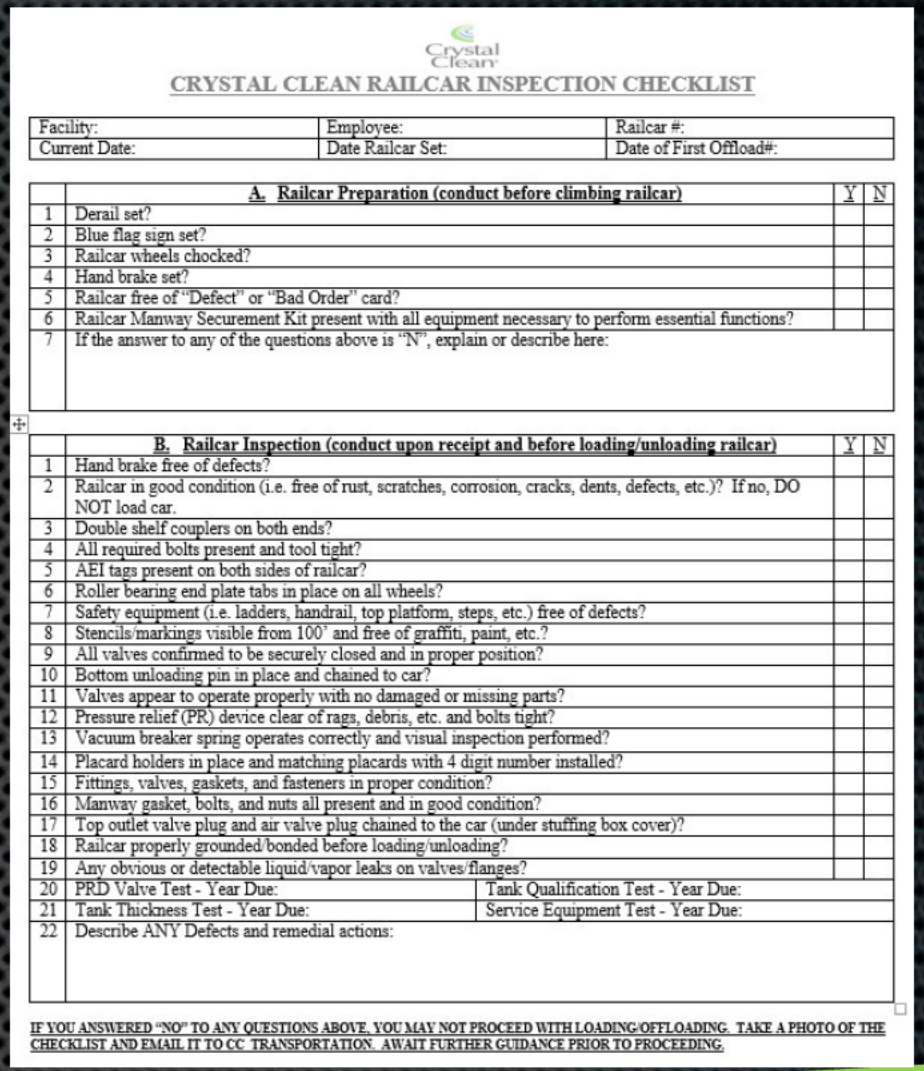
- Detailed instructions on placarding and grounding can be found in the DOT training module

Setting the Railcar (cont'd)

- Hand brake on the car must be checked to ensure it is properly set and the wheel is tight. The wheel must be turned in a clockwise motion until the chain is tight.
- If multiple railcars are coupled, set the hand brake on each car
- All wheel chocks, derailers and blue stop signs can be obtained from the HCC Distribution Hub

Inspection of Railcar Following Receipt

- See the "Crystal Clean Railcar Inspection Checklist"
- Click on "Additional References" within CCU to access a full, printable version of the checklist.
- Page 1 (Sections A & B) MUST be completed prior to offloading into the railcar and unloading out of the railcar.
- The following slides provide images and information on some of the important railcar components that you MUST review.



Crystal Clean

CRYSTAL CLEAN RAILCAR INSPECTION CHECKLIST

Facility:	Employee:	Railcar #:
Current Date:	Date Railcar Set:	Date of First Offload#:

	A. Railcar Preparation (conduct before climbing railcar)	Y	N
1	Derail set?		
2	Blue flag sign set?		
3	Railcar wheels chocked?		
4	Hand brake set?		
5	Railcar free of "Defect" or "Bad Order" card?		
6	Railcar Manway Securement Kit present with all equipment necessary to perform essential functions?		
7	If the answer to any of the questions above is "N", explain or describe here:		

	B. Railcar Inspection (conduct upon receipt and before loading/unloading railcar)	Y	N
1	Hand brake free of defects?		
2	Railcar in good condition (i.e. free of rust, scratches, corrosion, cracks, dents, defects, etc.)? If no, DO NOT load car.		
3	Double shelf couplers on both ends?		
4	All required bolts present and tool tight?		
5	AEI tags present on both sides of railcar?		
6	Roller bearing end plate tabs in place on all wheels?		
7	Safety equipment (i.e. ladders, handrail, top platform, steps, etc.) free of defects?		
8	Stencils/markings visible from 100' and free of graffiti, paint, etc.?		
9	All valves confirmed to be securely closed and in proper position?		
10	Bottom unloading pin in place and chained to car?		
11	Valves appear to operate properly with no damaged or missing parts?		
12	Pressure relief (PR) device clear of rags, debris, etc. and bolts tight?		
13	Vacuum breaker spring operates correctly and visual inspection performed?		
14	Placard holders in place and matching placards with 4 digit number installed?		
15	Fittings, valves, gaskets, and fasteners in proper condition?		
16	Manway gasket, bolts, and nuts all present and in good condition?		
17	Top outlet valve plug and air valve plug chained to the car (under stuffing box cover)?		
18	Railcar properly grounded/bonded before loading/unloading?		
19	Any obvious or detectable liquid/vapor leaks on valves/flanges?		
20	PRD Valve Test - Year Due:	Tank Qualification Test - Year Due:	
21	Tank Thickness Test - Year Due:	Service Equipment Test - Year Due:	
22	Describe ANY Defects and remedial actions:		

IF YOU ANSWERED "NO" TO ANY QUESTIONS ABOVE, YOU MAY NOT PROCEED WITH LOADING/OFFLOADING. TAKE A PHOTO OF THE CHECKLIST AND EMAIL IT TO CC TRANSPORTATION. AWAIT FURTHER GUIDANCE PRIOR TO PROCEEDING.

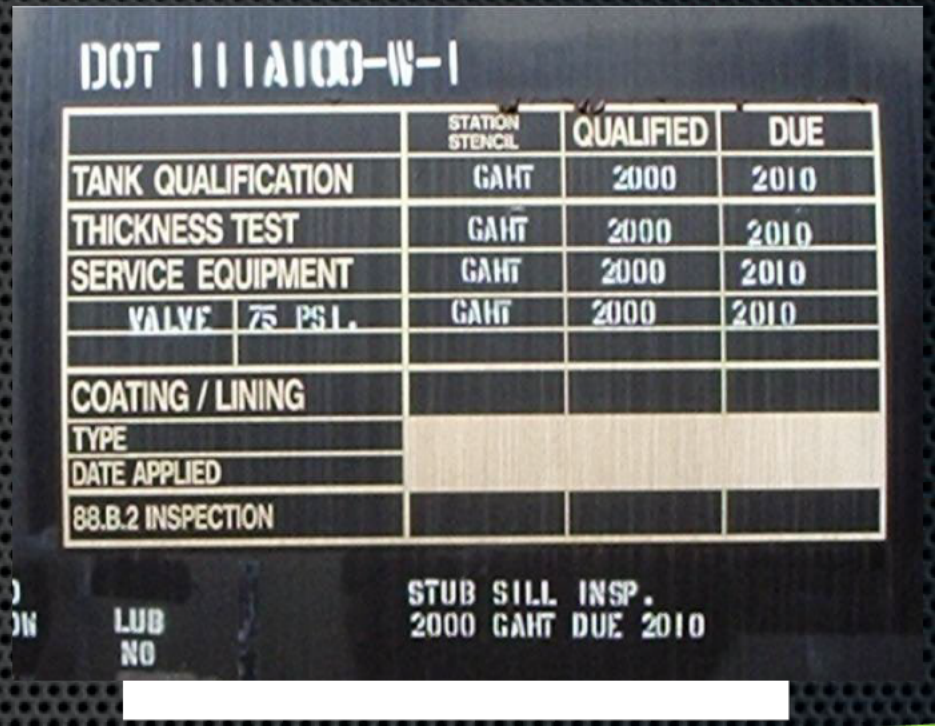
Crystal Clean

Inspection of the Railcar

- Complete Sections A & B of the railcar checklist
- Railcar Bottom Outlet Valve "BOV" caps should be inspected to verify the cap is tool tight, no leaks have occurred, cable seal is still applied, and BOV handle is closed and pin is applied. BOV & BOV gaskets are inspected for any leaks/damage, and seals before leaving Re-Refinery in Indianapolis.
  - Following inspection, a padlock or steel cable lock must be placed on the belly valve to prevent unauthorized use
    - HCC does not routinely load or unload from this valve, so this lock must always remain in place.
    - If the belly valve is leaking, contact Chemtrec immediately at 800-424-9300 "1"
- Ensure that you follow all guidance for safely climbing the railcar (slides 16-18) when accessing the top of the railcar to inspect the necessary components.

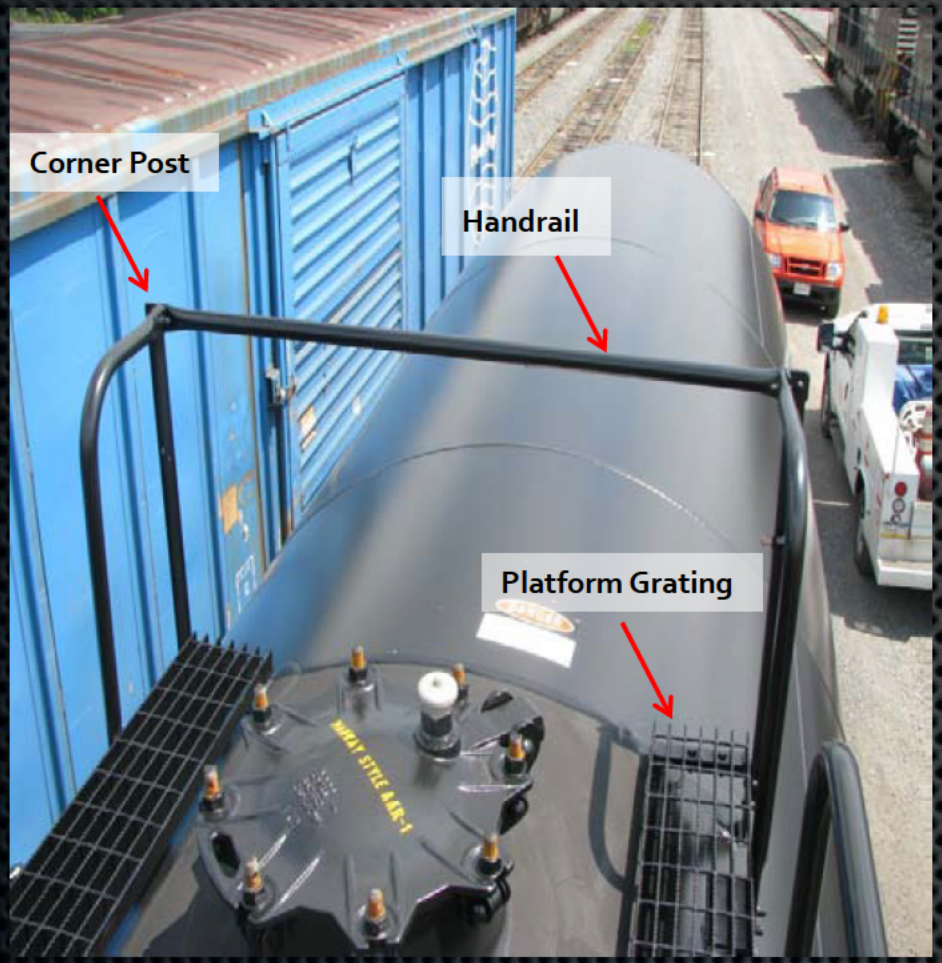
Inspection of the Railcar (cont'd)

- Visual inspection of railcar markings must be conducted including verifying inspection and test dates are current. Contact CC_Transportation if:
  - The car is out of date or information is not legible
  - Expiration dates are within 6 months, notification must be made due to the potential for delayed movement of the cars
  - Any markings are obscured by graffiti
- Federal Railroad Administration (FRA) can fine HCC even if numbers are legible, but covered by graffiti

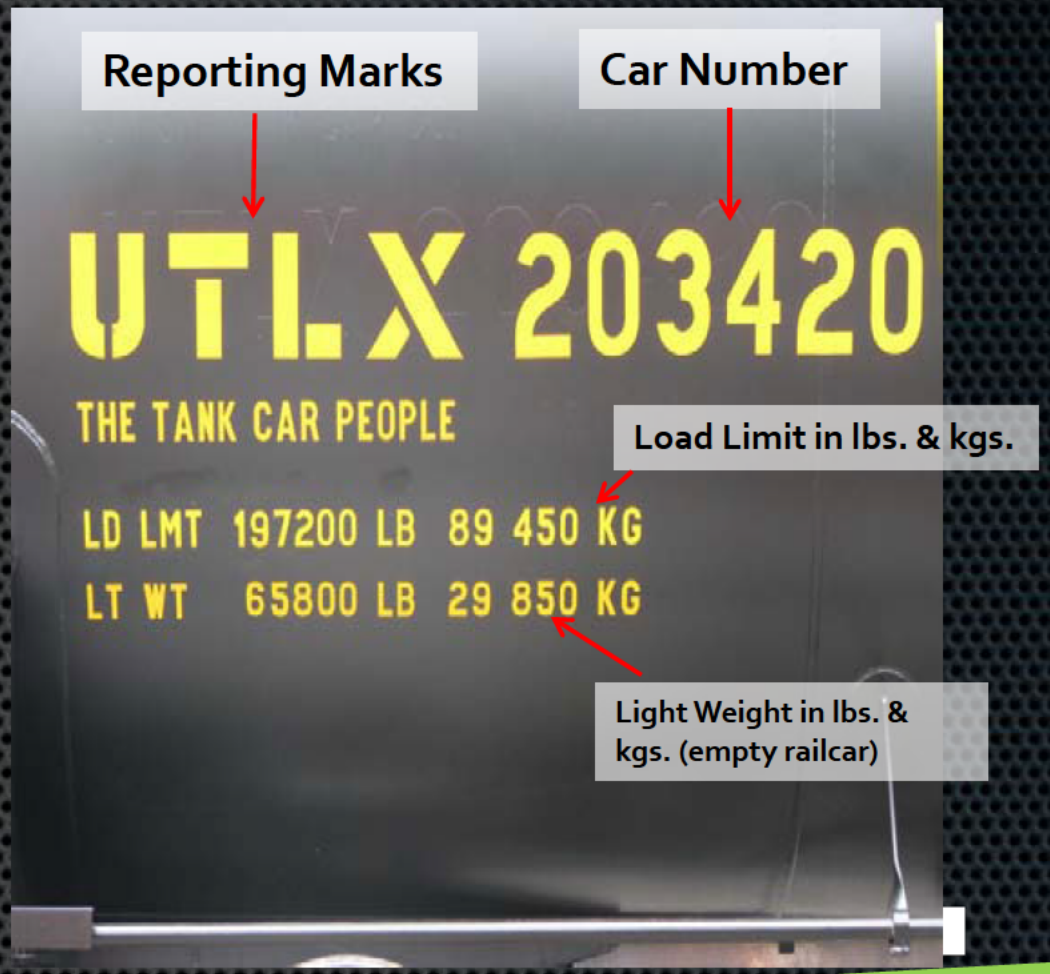


Railcar Components to Know for Inspection

General Tank Car Identification



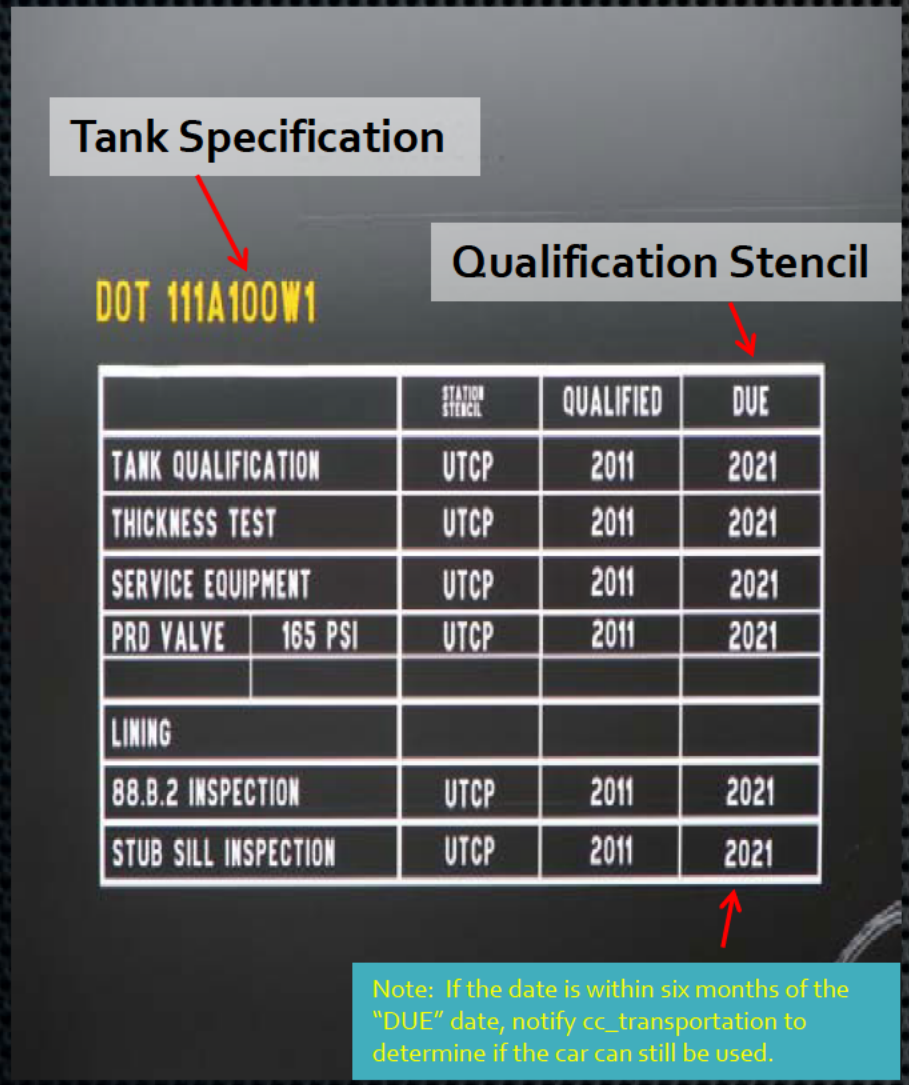
Tank Car Stencil Requirements



Crystal Clean

Railcar Components to Know for Inspection

Tank Car Stencil



Description of Stencil: DOT 111 A 60 AL W 1

DOT — Authorizing Agency
DOT-Department of Transportation
AAR-Association of American Railroads
ICC-Interstate Commerce Commission (authority assumed by DOT)
CTC-Canadian Transport Commission
TC-Transport Canada (replacing CTC)

111 — Class Designation
Non Pressure

DOT 103	AAR 201
AAR 204X	DOT 111
DOT 115	AAR 211

A — Separator
A – Top and Bottom Shelf Couplers
S – Tank Headsheilds and Bottom Shelf Couplers
J – Jacketed Thermal Protection, Tank Headsheilds and Bottom Shelf Coupler
T – Spray on Thermal Protection, Tank Headsheilds and Bottom Shelf Coupler

60 — Tank Test Pressure

AL — No Letter - Carbon Steel
AL – Aluminum (103, 105, 109, 111)
A-AL – Aluminum Alloy
N – Nickel
"C" "D" "E" – Stainless Steel (alloy/steel)

W — Type of Weld Used
"W" Fusion welding (most common)
"F" Forge Welding

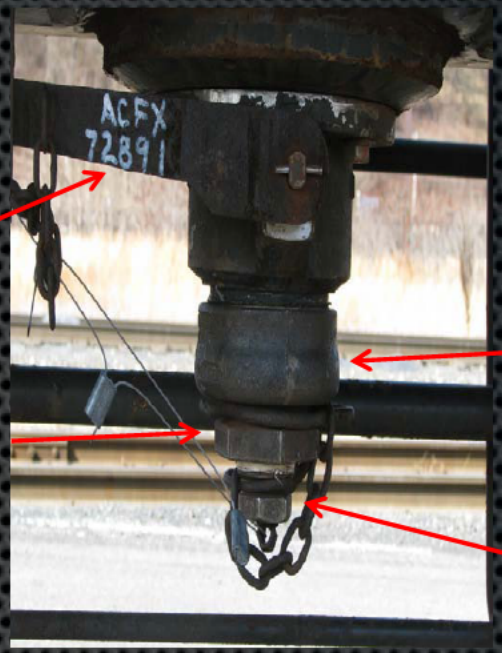
1 - 7 — Other Car Features – Fittings, Materials and Linings

Railcar Components to Know for Inspection

Double Shelf Coupler - Links cars together

AEI Tags – Electronic Recognition System for Railcars

Bottom Outlet Valve



Bottom Outlet Valve Handle

Bottom Outlet Nozzle Cap

Bottom Outlet Pipe Plug

Bottom Outlet Cap & Plug Safety Chains

Crystal Clean

Railcar Components to Know for Inspection

Stuffing Box and Chain

Protective Housing Securement Pin with Chain

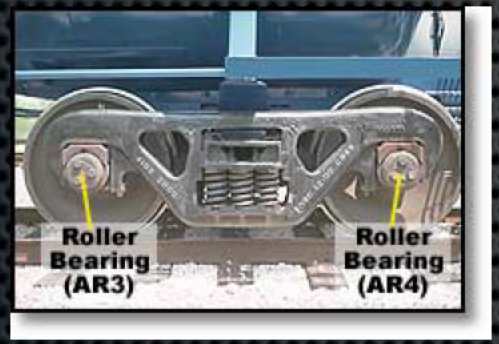
Inside Stuffing Box

Protective Housing Cover

Pressure Relief Device

Vacuum Relief Device

Roller Bearing End Plates – Help to ensure secure railcar wheels



Crystal Clean

Preparing to Climb Railcar

- Follow truck operating procedures for preparing your truck for offload
- Lean measuring stick against the railcar
- A rope, in good condition, is required to safely pull the necessary operating equipment up to the railcar.
- Inspect rope to ensure it is in good condition. Tie off rope to these items:
  - Hose line (inspect hose for any visual cracks prior to usage)
  - Railcar Loading Device (RLD)

Preparing to Climb Railcar (cont'd)

- Any necessary equipment from the Railcar Manway Securement Bag (Railcar Bag) – bag includes:
  - Replacement seal for manway (in case of damage)
  - Torque wrench and sockets for proper removal/tightening of manway bolts
  - Directions for proper closure of manway
  - Replacement rope

  *Note – Bag can be obtained from CC_Transportation and must be present at all rail-sites
- Fall Protection Equipment (FPE)
  - Not currently an HCC requirement when offloading into a railcar - it is available upon request
    - Contact CC_EHS to request FPE
  - Completion of online training through CCU is required prior to using FPE
  - FPE includes:
    - Harness
    - Lanyard/Fall Limiter
    - Cross arm strap to serve as anchor point along railcar railing

Climbing to the Top of the Railcar

- Loop/tie off ends of rope through belt loop
- If present, inspect your FPE harness and put it on.
- Using 3 Points of contact, climb to the top of the railcar
- **NEVER CARRY EQUIPMENT IN YOUR HANDS WHILE CLIMBING LADDER
- After reaching the railcar top, untie the rope from your belt and pull up the equipment
  - If present, attach FPE to manway railing in accordance with Fall Protection Training

Initial Opening of the Railcar

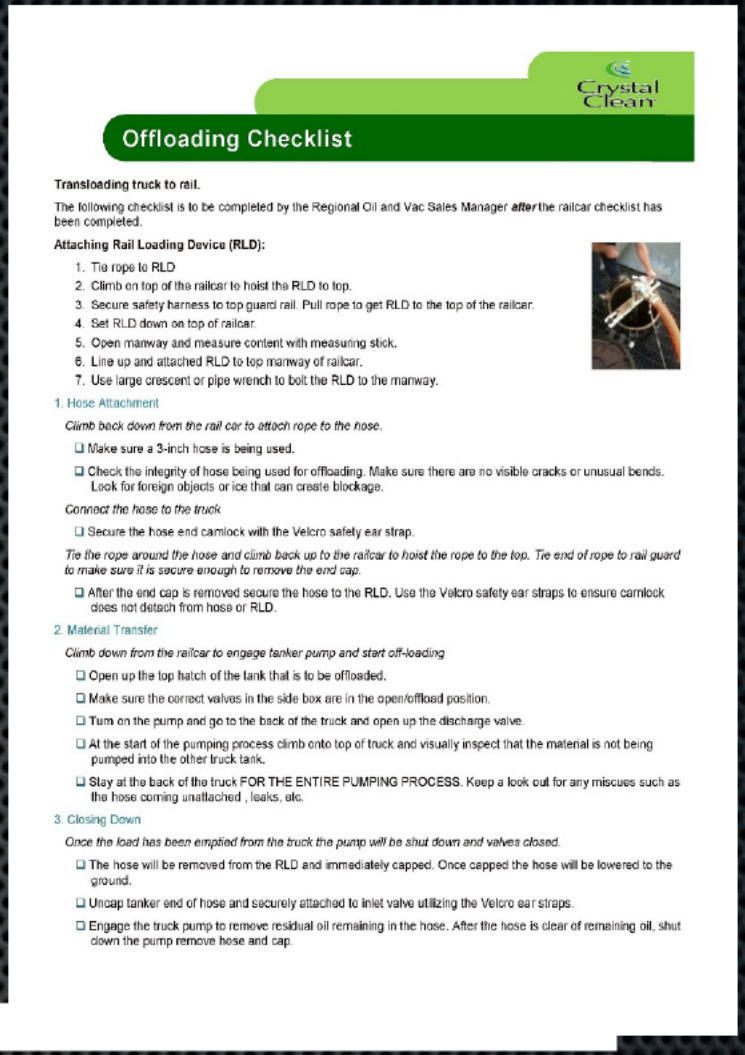
- Pull remaining fall protection equipment to the top of the railcar first (if present)
- Ensure all required inspections of the Fall Protection Equipment are conducted prior to usage (if present)
- Following steps in the fall protection training (if present)
  - Secure cross arm strap to manway railing
  - Secure lanyard to cross arm strap
  - Connect lanyard to your harness
- Pull up the securement equipment
  - Loosen bolts on manway using breaker bar and sockets in the Railcar Bag
  - Complete all remaining applicable components of Section C of the “Check-In” portion of the Railcar Checklist

Proper Opening and Inspection of a Railcar Manway

- In order to properly vent the railcar of any built-up in pressure, follow the steps below:
  - Loosen manway bolts with breaker bar in railcar tool kit
  - Remove all manway bolts around the lid **except** the two on either side of the manway handle. These bolts are known as the safety bolts and should not be removed until the pressure is released.
  - Once all manway bolts are loose (with the safety bolts still in the upright position), safely pull up on the manway handle to relieve railcar pressure. If this process does not work, please contact CC_Transportation for further instruction.
  - Once the manway has been properly and safely opened, inspect all hardware securing the manway.
    - This includes all nuts, bolts, safety bolts, washers, rivets, cotter pins, and hinge assembly hardware
    - Verify parts are in compliance and in good working condition

Offloading into Railcar

- Follow Offloading Checklist for the proper offload process. A printable checklist can be accessed through "Additional References" section of CCU.
- Pull up RLD and affix to the railcar
  - Measure railcar content with measuring stick to ensure sufficient capacity is available within the railcar to contain the load
  - Line-up and attach RLD to top manway of railcar using crescent wrench in offloading equipment kit
  - Pull up hose line
    - Remove end cap and secure hose line to RLD
    - Use ear straps to ensure camlock does not detach from hose or RLD
  - Climb down ladder using 3 Points of Contact
    - If FPE extends to ground, hook lanyard to lower ladder rung after climbing down ladder (if present)
    - If FPE doesn't extend to ground, lanyard hook must be removed prior to climbing down the ladder (if present)
- When offloading OUT of a railcar, follow the referenced steps, but pump out of the railcar instead of into the railcar.



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Offloading Checklist

Transloading truck to rail.

The following checklist is to be completed by the Regional Oil and Vac Sales Manager ***after*** the railcar checklist has been completed.

Attaching Rail Loading Device (RLD):

1. Tie rope to RLD
2. Climb on top of the railcar to hoist the RLD to top.
3. Secure safety harness to top guard rail. Pull rope to get RLD to the top of the railcar.
4. Set RLD down on top of railcar.
5. Open manway and measure content with measuring stick.
6. Line up and attached RLD to top manway of railcar.
7. Use large crescent or pipe wrench to bolt the RLD to the manway.

1. Hose Attachment

Climb back down from the rail car to attach rope to the hose.

- ❑ Make sure a 3-inch hose is being used.
- ❑ Check the integrity of hose being used for offloading. Make sure there are no visible cracks or unusual bends. Look for foreign objects or ice that can create blockage.

Connect the hose to the truck

- ❑ Secure the hose end camlock with the Velcro safety ear strap.

Tie the rope around the hose and climb back up to the railcar to hoist the rope to the top. Tie end of rope to rail guard to make sure it is secure enough to remove the end cap.

- ❑ After the end cap is removed secure the hose to the RLD. Use the Velcro safety ear straps to ensure camlock does not detach from hose or RLD.

2. Material Transfer

Climb down from the railcar to engage tanker pump and start off-loading

- ❑ Open up the top hatch of the tank that is to be offloaded.
- ❑ Make sure the correct valves in the side box are in the open/offload position.
- ❑ Turn on the pump and go to the back of the truck and open up the discharge valve.
- ❑ At the start of the pumping process climb onto top of truck and visually inspect that the material is not being pumped into the other truck tank.
- ❑ Stay at the back of the truck FOR THE ENTIRE PUMPING PROCESS. Keep a look out for any miscues such as the hose coming unattached , leaks, etc.

3. Closing Down

Once the load has been emptied from the truck the pump will be shut down and valves closed.

- ❑ The hose will be removed from the RLD and immediately capped. Once capped the hose will be lowered to the ground.
- ❑ Uncap tanker end of hose and securely attached to inlet valve utilizing the Velcro ear straps.
- ❑ Engage the truck pump to remove residual oil remaining in the hose. After the hose is clear of remaining oil, shut down the pump remove hose and cap.

Completion of Offload - Full Railcar

Follow these instructions if the railcar is full and ready to be offered for transport.

- Follow truck operating procedure for clearing hose line and disconnecting hose from truck. Cap hose.
- If available at ground level, re-attach lanyard to harness
  - Climb to the top of the railcar using 3 Points of Contact at all times
- Detach and cap hose from the RLD
  - Lower hose line to the ground using the rope
  - Unbolt RLD from the manway and close the manway lid
- Take a final measurement of the railcar contents and document on the Railcar Checklist.

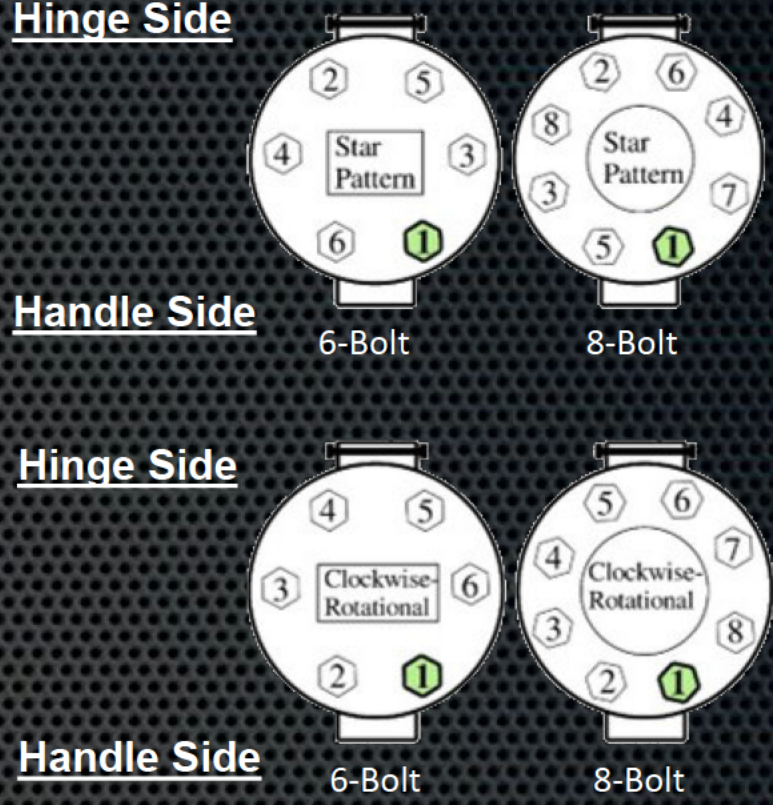
Completion of Offload - Full Railcar (cont'd)

- Prior to closing the manway lid, inspect the gasket to make sure it is both intact and in its proper place
  - If not, a spare gasket should be available within the Railcar Bag for replacement. Contact CC_Transportation for replacement gaskets if needed.
- Secure railcar manway:
  - Close lid and place all bolts in upright position – secure all bolts hand tight
  - Typically two types of nuts are used – hex and square head, sockets for both types included in the Railcar Bag
  - Follow the guidance document found in the Railcar Bag for proper manway securement. See next slide.

Completion of Offload - Full Railcar (cont'd)

- Manway Closure Procedure

Preferred Method -- Torque Wrench or Pneumatic Torque Wrench					
		VSP CYCLETIGHT or Hard Gasket		Elastomeric Gasket	
Sequence		**6-Bolt**	**8-Bolt**	**6-Bolt**	**8-Bolt**
Snug Pass	Star Pattern	Snug	Snug	Snug	Snug
1st Pass	Star Pattern	75 ft-lbs	70 ft-lbs	50 ft-lbs	45 ft-lbs
2nd Pass	Star Pattern	160 ft-lbs	140 ft-lbs	80 ft-lbs	70 ft-lbs
3rd Pass	Star Pattern	250 ft-lbs	200 ft-lbs	115 ft-lbs	90 ft-lbs
4th Pass	Clockwise/Rotational	250 ft-lbs	200 ft-lbs	115-ft-lbs	90 ft-lbs



- ALWAYS Start with the #1 Bolt
- DO NOT use a PIPE WRENCH, **this will Under Torque**, and result in a leak
- DO NOT use a CHEATER BAR, **this will Over Torque**, bend the manway cover and result in a leak
- Elastomeric Gaskets => Buna-N(Nitrile), EPDM PC, Neoprene, Viton®, and similar
- Qualified Hard Gasket => Means to validate that this procedure for fluid sealability based on the sp

Completion of Offload - Full Railcar (cont'd)

- Gather and place all tools back into Railcar Bag container
  - Lower Bag to the ground using rope
- Place the metal seal on the dome lid and record number on Railcar Checklist
  - Take a photo of closed and sealed manway
  - If present, detach harness from lanyard and remove lanyard/cross arm strap from the railing
  - Lower all FPE to the ground using the rope
- Carefully climb down the ladder using 3 Points of Contact

If you know or suspect that the railcar load is off-specification or non-conforming, contact the EHS and Transportation Departments for direction. This MUST be conducted prior to offering the railcar for transport to ensure it is properly placarded and identified. SEE NEXT SLIDE FOR PLACARDING INFO

HCC Hazardous Materials and Placarding Comparison

1993 Combustible Placard
- HT-LS
- Low Flash Used Oil < 200F to 140F

1268 Flammable Placard
- HT-LF
- V-106, Reuse

1268 Combustible Placard
- V-142
- Non-Haz
- Recycle, Recycle Blend

1993 Flammable Placard
- Low Flash Used Oil <140F to 100F

3082 Environmentally Hazardous
- Canadian Used Oil
- Antifreeze

2315 Polychlorinated biphenyls
- PCB Used Oil

3257 Elevated Temperature
- VTAE (Asphalt Extender)

3266 Placard
- Spent Caustic

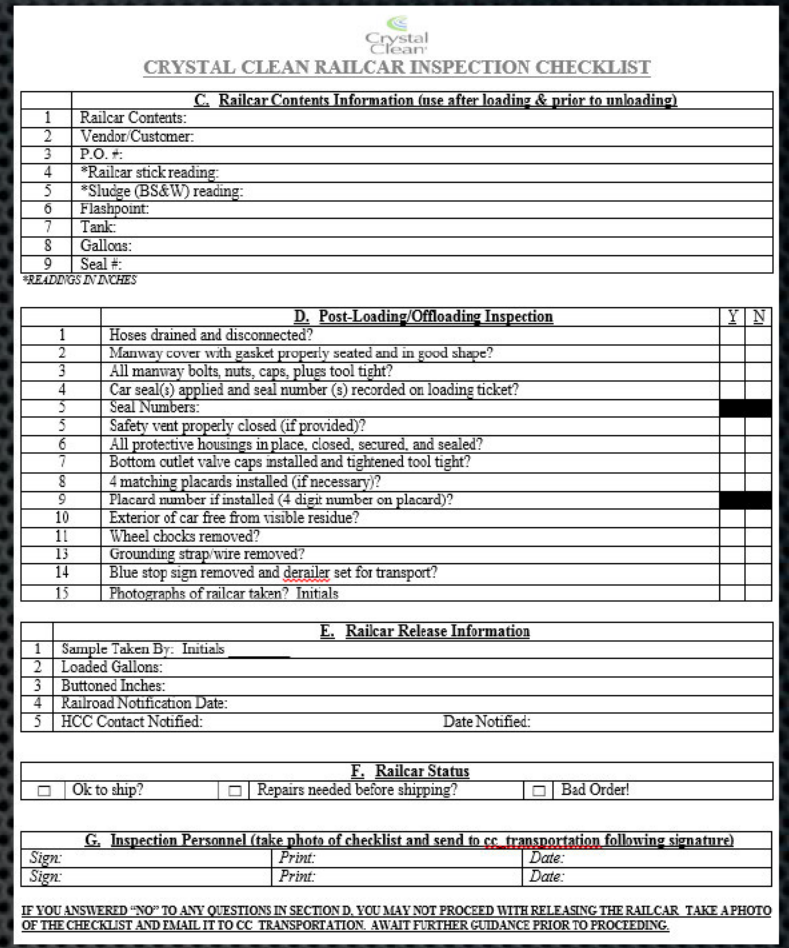
Please review the above placards. These placards represent material that HCC frequently ships. Bill of Lading (BOL) shipment paperwork must match the actual placards applied to each railcar. All **four (4)** railcar placards must match and be clearly visible with no obstructions (e.g. dirt, grime, grease, saturation, excessive wear). No handwritten placards are permitted. Placards can be requested from your nearest Hub or Operating Facility. If there are any discrepancies please apply new placards. If you have questions please send them to [redacted]

Offering a Railcar for Transport

- Conduct a full inspection of the railcar exterior
  - If any issues are identified, contact CC_TRANSPORTATION
  - If any leakage is identified, call **Chemtrec 800-424-9300 "1"**
- Take photos of the railcar following exterior inspection
  - Clearly illustrate the following using photos:
    - Closed and sealed manway
    - Cable Seals still applied to protective housing c
      cover pin is still in correct functioning condition, a
      in the proper locked position
    - Belly valve condition
    - Side markings are in date
    - Placards are in place
    - Railcar undamaged
    - Proper UN/NA number

Offering a Railcar for Transport

- Complete Page 2 (all remaining sections) of the railcar checklist. Take a photo of the checklist and send to CC_Transportation.
  - Railroad will be contacted by transportation department to notify a railcar is ready for transit
- Prior to car removal:
  - RTE or 3rd party personnel (if applicable) must ensure the railcar is clear
  - Blue Stop Sign must be removed from the track
  - Ground clamp must be removed from the railcar
  - Derailer must be removed to allow the train onto the site from the main line
  - Wheel chocks must be removed
- Once the railcar has left the site, reset the derailer to prevent railcars from rolling onto or off of the site



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CRYSTAL CLEAN RAILCAR INSPECTION CHECKLIST

	C. Railcar Contents Information (use after loading & prior to unloading)
1	Railcar Contents:
2	Vendor/Customer:
3	P.O. #:
4	*Railcar stick reading:
5	*Sludge (BS&W) reading:
6	Flashpoint:
7	Tank:
8	Gallons:
9	Seal #:

READINGS IN INCHES

	D. Post-Loading/Offloading Inspection	Y	N
1	Hoses drained and disconnected?		
2	Manway cover with gasket properly seated and in good shape?		
3	All manway bolts, nuts, caps, plugs tool tight?		
4	Car seal(s) applied and seal number (s) recorded on loading ticket?		
5	Seal Numbers:		
5	Safety vent properly closed (if provided)?		
6	All protective housings in place, closed, secured, and sealed?		
7	Bottom outlet valve caps installed and tightened tool tight?		
8	4 matching placards installed (if necessary)?		
9	Placard number if installed (4 digit number on placard)?		
10	Exterior of car free from visible residue?		
11	Wheel chocks removed?		
13	Grounding strap/wire removed?		
14	Blue stop sign removed and derailer set for transport?		
15	Photographs of railcar taken? Initials		

	E. Railcar Release Information
1	Sample Taken By: Initials _____
2	Loaded Gallons:
3	Buttoned Inches:
4	Railroad Notification Date:
5	HCC Contact Notified: Date Notified:

F. Railcar Status					
☐	Ok to ship?	☐	Repairs needed before shipping?	☐	Bad Order!

G. Inspection Personnel (take photo of checklist and send to cc_transportation following signature)		
Sign:	*Print:*	*Date:*
Sign:	*Print:*	*Date:*

IF YOU ANSWERED "NO" TO ANY QUESTIONS IN SECTION D, YOU MAY NOT PROCEED WITH RELEASING THE RAILCAR. TAKE A PHOTO OF THE CHECKLIST AND EMAIL IT TO CC_TRANSPORTATION. AWAIT FURTHER GUIDANCE PRIOR TO PROCEEDING.

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Offering HAZMAT Railcar for Shipment

- In accordance with 49 CFR 173.31(d), a visual external inspection of a HAZMAT Railcar must be conducted prior to shipment. Review the following:
  - Shipping papers have been provided and are accurately completed
  - Any corrosion, damage or other condition that makes the car unsafe for transport
  - All closures must be confirmed secure by use of an appropriate tool (ex. torque wrench)
  - Protective housings must be confirmed secure
  - Corrosion or damage of the pressure relief device
  - The required markings on the tank car for legibility
  - The periodic inspection date markings to ensure that the inspection and test intervals are current
  - The required placards for the hazardous material must be in place (no handwritten placards permitted).
  - Closures on the car are designed and closed so that under conditions normally incident to transportation, including temperature and vibration, there will be no identifiable release of a hazardous material to the environment.
- This regulation applies to HAZMAT railcars; however, any railcar that will be shipped must be reviewed for these items. Any documented issues must be reported to CC_Transportation and corrected before release of railcar.

Completion of Offload - Non-Full Railcar

Follow these instructions if the railcar is not full and more space is available for future offloads.

- Follow required truck operating procedure for clearing and disconnecting hose from truck. Cap Hose
- If available at ground level, re-attach lanyard to harness
  - Climb to railcar top using 3 Points of Contact at all times
- Detach hose from RLD and cap
  - Lower hose line to the ground using rope
  - Unbolt RLD from manway,

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Completion of Offload - Non-Full Railcar (cont'd)

- If all railcars on the line are to remain stationary:
  - Close and secure manway lid by hand-tightening
  - RLD and Manway Kit may remain on top of the railcar
- If any railcars on the line are to be moved:
  - Close and secure manway lid using the torque wrench and follow the included securement directions in the Railcar Bag
  - Lower all equipment off the railcar to the ground using the rope
- Climb down ladder using 3 Points of Contact
  - If FPE extends to ground, hook lanyard to lower ladder rung after climbing down the ladder
  - If FPE doesn't extend to ground, lanyard hook must be removed prior to climbing down the ladder

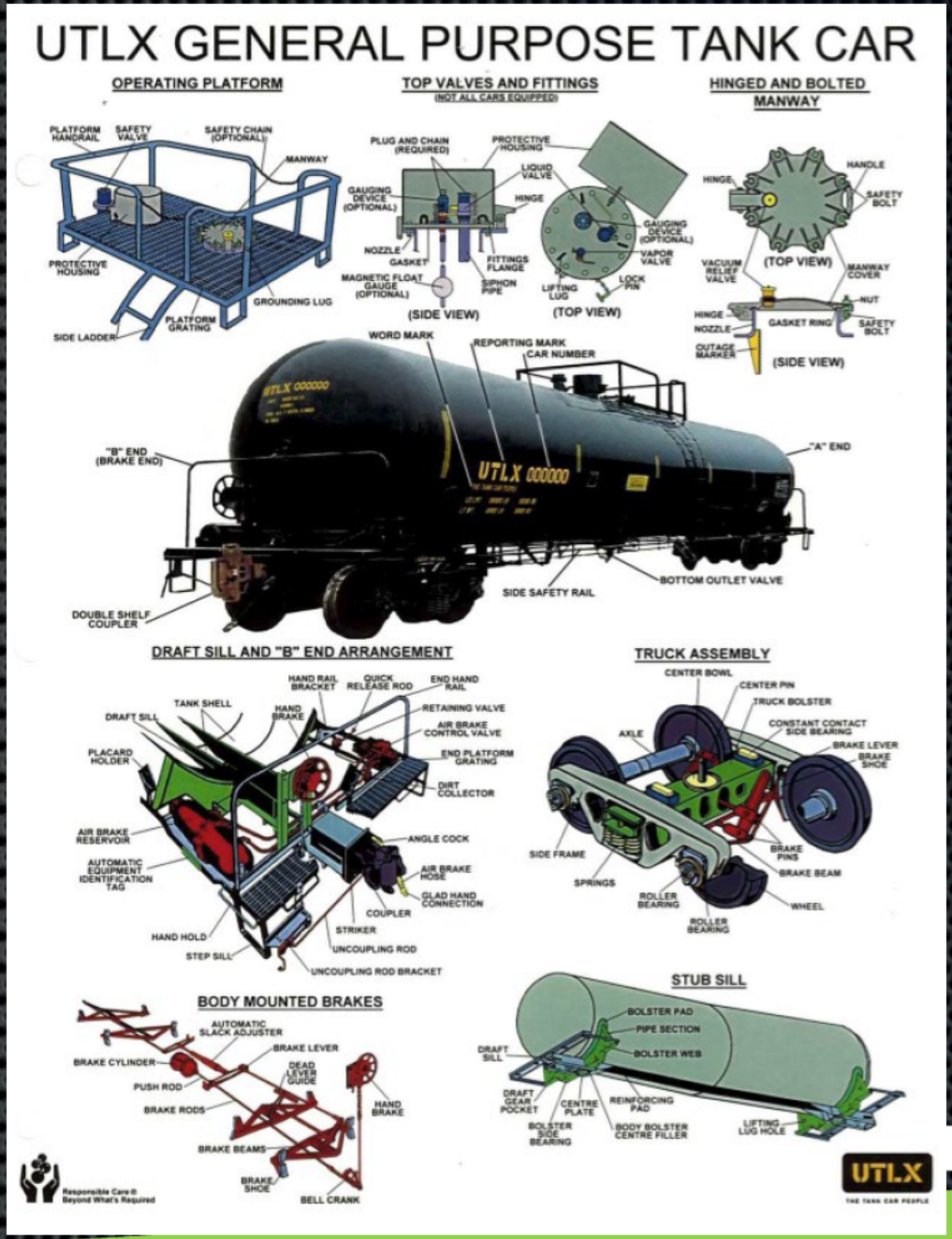
Railcar Rules to Remember!

- Before you begin offloading at a rail site, make sure you have a thorough understanding of your responsibilities. If you do not…ASK! Send an email to CC_Transportation or CC_EHS.
  - You can re-access this module within CCU AT ANY TIME if you need a refresher on the necessary information.
- If you have a spill on the ground, side of the railcar, top of the railcar, etc. in excess of 1 cup (8 oz.), it MUST be reported to Chemtrec (800) 424-9300 "1".
- If you are missing a derailer, blue flag, or wheel chock, notify your Manager so they can be ordered through the Hub immediately.
- If you are missing a Railcar Bag or components of the bag, notify CC_Transportation immediately.
- If you have been issued Fall Protection Equipment, it must be used as required in the Fall Protection Training. If you are missing any of the equipment, contact CC_EHS immediately.

Housekeeping at the site is IMPERATIVE. The owners/managers of these sites are our partners and we must work together with them to ensure the site is being maintained according to their expectations and HCC's.

General RC Components

- Please also refer to the Field Manual if you have further questions.



Questions?

- For spills, injuries, or any other incident
  - Contact CHEMTREC: **800-424-9300 "1"**
  - Then contact your manager to report the incident

If in doubt, CALL!

All incidents must be reported!

- Other questions?
  - Contact CC_EHS and/or CC_Transportation

From: Decina Anita
To: Joel Anderson
Subject: RE: Enforcement Discretion Follow-up
Date: Monday, April 27, 2020 7:17:54 PM
Attachments: image001.png
image002.png

Hello Joel,

Thank you for your consideration and the time spent on the phone discussing our request.

The locations for which HCC is requesting the extension of time is as follows. Based upon the market, we may not require the extension in all locations; however, we are seeking the discretion at all locations should the need arise. Markets in which we can fill a railcar within 35 days, we will continue do so and continue to operate within the parameters of the regulations. We will only exercise the extension of time when necessary.

4201 Foust Rd., Brownsville TX
1000 N Broadway St., Carrollton, TX
9313 Billy The Kid, El Paso TX
1.5, Dublin Subdivision, Fort Worth,
13609 Industrial Rd., Greensport TX
1st and Grant St., Lubbock TX
1045 County Rd 284, Luling TX
3377 SH18 North, Odessa TX
406 E. North St., Kilgore Tx

Worker safety is HCC's primary concern. Due to social distancing requirements, we have implemented staggered work schedules and have reduced staffing at some locations, making it more difficult to visit our customers. HCC has not eased our safety training requirements and instead of holding safety meetings as a team, they are being held 1:1 with site managers to accommodate safe social distancing, further complicating staggering work schedules. There are many places of business that our workers are not permitted to enter in order to protect their safety, and there are some locations that HCC simply cannot service due to reduced/eliminated staffing. In an effort to maintain social distancing, we are also not putting two people on one truck for those jobs that require it, further stressing the workload.

Finally, a very important safety consideration is the safe transport of the used oil. Filling the railcar to capacity reduces shifting/sloshing in the railcar while in transport. Railcars that are half full tend to have shifting/moving contents, thereby increasing the likelihood of derailment. Please see the figure below, received from one of our rail carriers.

As we discussed on the telephone, HCC will monitor railcar volume and the number of days (as we do today) very closely. If a railcar is not full within 35 days, we will implement a routine inspection program to ensure the integrity of the railcar and that there is no impact to the environment. Railcar fill records and inspections records will be readily available for review.

We sincerely appreciate your review, consideration, and response to our request. Please let me know if there is additional information that I can provide to assist in your evaluation process.

Thank you,
Anita

Anita Decina
Vice President, Environment, Health & Safety, DOT
Heritage-Crystal Clean, LLC
2175 Point Blvd., Ste 375
Elgin, IL 60123

Office: 847-783-5924
Cell: 630-688-3303

From: Joel Anderson <joel.anderson@tceq.texas.gov>
Sent: Friday, April 24, 2020 4:51 PM
To: Decina, Anita <[redacted]
Subject: [EXTERNAL] Enforcement Discretion Follow-up

Ms. Decina,
Thank you for returning my phone call this afternoon. Per our discussion, if you could please outline some of the additional impacts caused by COVID-19, that we discussed. Specifically, the safety aspects of transporting a half empty railcar, challenges in obtaining the used oil due to social distancing requirements, and reluctancy of customers to allow access to tanks. Furthermore, I will also need the location(s), to the best of your ability, of the railcars that will be storing the used oil. Once this information is provided, I will finalize a decision. Thank you -Joel

Joel C. Anderson, Director
San Antonio Region
210-490-3096
210-403-4010, direct
Joel.anderson@tceq.texas.gov

Take Care of Texas logo

http://takecareoftexas.org/home