



**FLORIDA'S USED OIL
RECYCLING PROGRAM**

Florida Department of Environmental Protection

March 2007

Notice Of Filing

Reporting Agency:	Department of Environmental Protection
Recipient Agency:	Florida Legislature
Subject:	Used Oil Management and Recycling
Report Due Date:	Annual - No date specified by statute
Statutory Requirement:	Section 403.756, Florida Statutes

Abstract:

Section 403.756, Florida Statutes (F.S.), requires the Department of Environmental Protection (Department) to "submit an annual report to the Legislature which summarizes information on used oil collection and recycling, analyzes the effectiveness of this act, and makes recommendations for any necessary changes." The Used Oil Recycling Act, sections 403.75 through 403.769, F.S., prohibits the disposal of used oil on land or in water and other improper used oil management practices, establishes a statewide program for public used oil collection centers, describes the requirements for the registration and reporting by used oil handlers, the certification of used oil transporters, and the permitting of used oil processors, and requires the Department to conduct a public education program about the proper collection and recycling of used oil.

This report contains an overview of the history of Florida's Used Oil Recycling Program and explanations and illustrations of data collected from the Department's used oil and used oil filter registration and reporting activities. Other topics include the continued success of the Public Used Oil Collection Center (PUOCC) program, an evaluation of the effectiveness of the program and recommendations regarding the future of the program.

The 102 individual businesses registered and reporting for 2005 (some in multiple categories) include 139 used oil transporters, 19 used oil processing facilities, 115 Used Oil Filter (UOF) Transporters, 14 UOF Processors and 1 UOF end-user.

In calendar year 2005, a total of 162,310,571 gallons of used oil and oily wastes were reported collected. Of this total, 44.0 percent came from automotive sources (including over 3.2 million gallons collected from 834 PUOCCs), 18.0 percent from industrial sources, and the remainder from mixed sources. Of the used oil recycled, 89 percent was marketed as both on and off specification fuels and 11 percent was used in industrial processes (e.g. phosphate beneficiation). Of the oily waste, 90 percent was managed through wastewater treatment and disposal, 5 percent was incinerated and 5 percent was landfilled. The landfill disposal ban of Used Oil Filters resulted in the diversion from landfills of approximately 392,067 gallons of used oil and in the recycling of 10,973 tons of steel.

cc: Executive Office of the Governor
Office of Planning and Budgeting
(3 copies)

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INTRODUCTION

Florida's comprehensive, statewide Used Oil Recycling Program is recognized as one of the most successful in the United States and serves as a national and international model. The Florida Department of Environmental Protection (Department) has implemented a used oil management program under Sections 403.75 through 403.769, Florida Statutes (F.S.), since 1984.

Section 403.756, F.S., requires the Department to "submit an annual report to the Legislature which summarizes information on used oil collection and recycling, analyzes the effectiveness of this act, and makes recommendations for any necessary changes." This report describes the status of Florida's Used Oil Recycling Program using data collected during calendar year 2005 and reported to the Department during 2006, as required by statute.

PROGRAM OVERVIEW

Florida's Used Oil Recycling Program consists of a registration and record keeping program for used oil handlers, a used oil processor permitting program, a statewide infrastructure for collecting used oil from household "Do-It-Yourself" (DIY) oil changes, and technical assistance to the public and regulated community. The 1988 Solid Waste Management Act substantially changed public policy toward solid waste management and used oil collection, transportation and recycling. New initiatives included a 5 percent price preference for the purchase of recycled and re-refined used oil by state and local governments, as well as some limited liability exemptions for businesses which accept used oil from the public. In 1988, the Florida Legislature approved a one-time appropriation of funds, amounting to \$1 million for local government grants for establishing public used oil collection centers and \$1.5 million for statewide incentive/awareness and educational programs aimed at DIY oil changers and school students.

Florida law contains several bans on the disposal of used oil. Since October 1, 1988, it has been unlawful for used oil to be discarded into sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters. It cannot be mixed or commingled with solid waste to be disposed of in landfills, except for those instances wherein the disposal occurs unknowingly, or is approved by the Department (such as in the case of emergency cleanup of accidental oil spills). Used oil cannot be mixed with hazardous substances or hazardous wastes that make it unsuitable for recycling or beneficial use. In addition, used oil cannot be used for road oiling, dust control, weed abatement, or other uses that may release used oil into the environment.

The used oil statutes were amended in 1993 by the Florida Legislature. The majority of these amendments conformed Florida law consistent with federal used oil regulations, especially in the use of terms and definitions. A major change required retailers who sell over 500 gallons of oil annually to post signs which display the State's toll free telephone number (1-800-741-4DEP) that provides the locations of all public used oil collection centers in Florida, indexed by post office zip code.

The Department's Used Oil Management Rule, Chapter 62-710, Florida Administrative Code (F.A.C.), addresses used oil management and implements the provisions of state law. It establishes a program for registration, record keeping and reporting by handlers of used oil; certification of used oil transporters; and permitting of used oil processing facilities. The federal used oil management standards, Chapter 40, Part 279 of the Code of Federal Regulations (CFR), are adopted by reference in Rule 62-710.210, F.A.C.

Chapter 62-710, F.A.C., has been amended several times over the years. One of the most significant changes, effective on December 23, 1997, requires Used Oil Processors to obtain a Used Oil Processing Permit in which facilities provide descriptions of the corporate structure, processing operations, preparedness and prevention plans, analysis and contingency plans, tank management, employee training, and closure. Some permit items, such as storage tank integrity, adequacy of secondary containment, and certain portions of the closure plan, require certification by an engineer registered in the State of Florida.

The most recent rule amendments, effective on June 9, 2005, were promulgated to: 1) correct technical errors; 2) establish used oil storage standards; 3) upgrade the minimum insurance required of Certified Used Oil Transporters; 4) require financial assurance for closure for used oil processing facilities; and 5) clarify the applicability of the permitting requirements for used oil processors who market used oil and/or also manage non-oil related solid waste at their facilities.

In 2001, the Florida Legislature allocated funds for used oil recycling education. As radio spots proved extremely effective, according to a 1990 program evaluation audit by Message Factors, Inc., the Department developed and aired 58 60-second radio announcements promoting the collection of DIY used oil at Public Used Oil Collection Centers, including mention of the toll-free recycling hotline. The radio spots ran through the entire month of June 2002. According to the vendor of this service, Clear Channel Networks, the used oil recycling message gained exposure to approximately two million people per week in 10 major metropolitan regions on 84 radio stations.

Florida's Used Oil Recycling Program remains very much on the cutting edge of change. The focus of both the regulators and the regulated community is shifting steadily towards management schemes which are multi-media and increasingly incorporate pollution prevention (P2) goals, thereby generating less waste overall. As over 80 percent of the used oil in Florida is automotive or mixed with automotive, the automotive service industry has been a major stakeholder in this program. Used oil is not so much a stand alone program as it once was. To this end, used oil management is now a significant part of the Department's Compliance Assistance Program.

In 2006, United States Environmental Protection Agency (EPA) Compliance Assistance monies were directed towards assisting the Used Oil Recycling Program in two outreach and education efforts. First, as tank labeling is very problematic in the regulated community, various tank label stencils and printed labels were designed, produced and distributed through Department and county program staff to persons

who store used oil, such as auto service stations, etc. Second, compliance assistance funds were used to conduct free used oil transporter driver training. In 2006, training sessions were conducted by the Department across the state. An additional two sessions were held at the request of regulated parties, one in Georgia and the other during a company's state-wide training weekend in Tampa. In all, over 200 used oil drivers and employees attended this training.

The Department's Used Oil Recycling Program has maintained a web page at the Department's internet site since 1989. Applicable rules, forms, annual reports and fact sheets used in this program are available for downloading. Please visit the following site for additional information:

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

USED OIL REGISTRATION AND REPORTING

As of December 2005, 156 sites representing 102 individual private and public businesses were included in the registration database, 17 of which are based outside of Florida (see Appendix A, box I). This is a slight (10 percent) increase over last year. This small increase is indicative of a lucrative and extremely competitive petroleum market. Market and regulatory trends over time tend to favor larger companies, which are able to broaden their service areas while at the same time offering management of a variety of waste streams such as oily wastes, hazardous wastes, and antifreeze. Smaller businesses with limited resources are at a competitive disadvantage and continue to be purchased by larger companies or leave this industry, turning over their customer base to the larger companies. An example of this dynamic is the increase in the used oil transporter insurance requirement from \$100,000 to \$1 million pursuant to Chapter 62-710, F.A.C.

Effective June 8, 1995, commercially generated Used Oil Filters (UOF) were banned from landfill disposal and UOF handlers were required to register with the Department's Used Oil Recycling Program. Many used oil handlers now also manage UOFs to meet customer demand. As of December 2005, the Department database (Appendix A, box II) includes 115 UOF transporters, 72 UOF transfer facilities, 14 UOF processors and one UOF end-user. These numbers have not significantly changed since last year and are thought to be an indication of the market driven stabilization of the UOF recycling industry. It should be noted that, as the Department has the authority to regulate only the oil within a UOF and as the reporting requirement for UOF Handlers was made optional within the Rule, data regarding UOF management are destined to remain a very rough approximation. However, the data reported regarding UOFs seem significantly more reliable than in past years, attributed to the UOF market stabilization as well as increased data quality control efforts of Department staff in helping to ensure easier and more conscientious record keeping and reporting by regulated entities.

ANNUAL REPORTS FOR CALENDAR YEAR 2005

Transporters and processing facilities must report on the type, quantities, and sources of used oil collected, processed, and end-used. The data from these reports are listed in

detail in Appendix A and are graphically illustrated and explained in the body of this report.

Trends in Used Oil Management in Florida

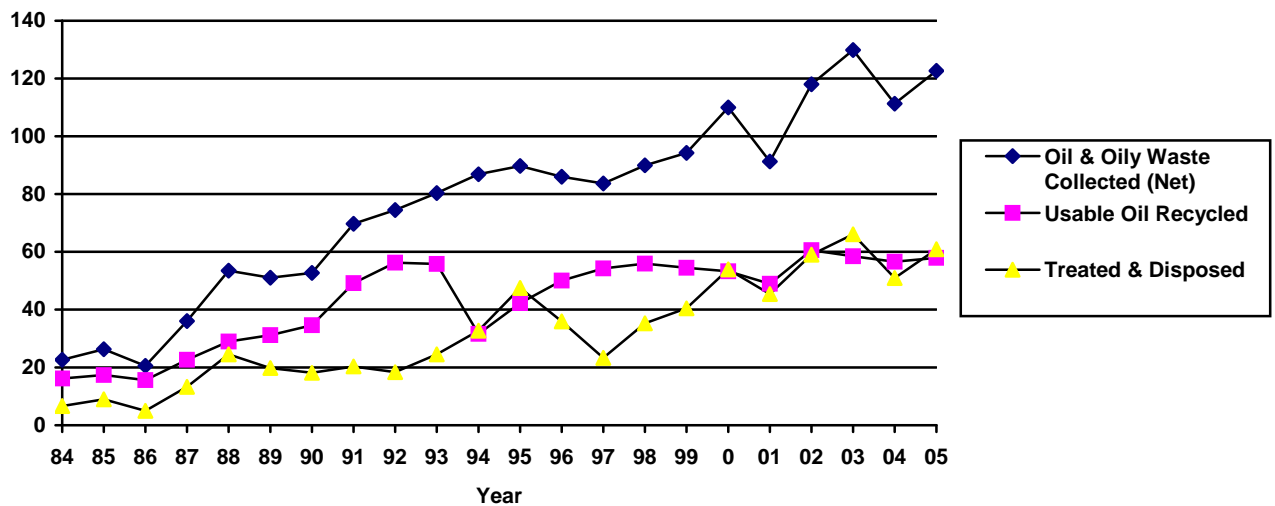


Figure 1: Used Oil Management in Florida from 1984 to 2005.

Figure 1 (above) shows the trends in used oil management in Florida from 1984 to 2005. It is difficult to correlate increased rates of used oil recycling to population growth due to many variables, including extended vehicle service schedules for newer cars and the use of new, longer life synthetic oils, on-board, in-line oil filtration systems by truck fleets, and the growth of on-site used oil reconditioning and recycling technologies increasingly employed by industry.

In 1993 and 1995, the Department promulgated amendments to both the Used Oil Management and Petroleum Contact Water (PCW) standards. Changes in the definitions of used oil, oily wastes, and PCW, along with the fine tuning of the data collected by the Department regarding these activities, resulted in a significant data shift. The 2005 data indicates a trend towards a larger volume of used oil and oily wastes collected; approximately 119.0 million gallons were collected in 2005, which represents an increase from the 111.3 million gallons collected in 2004. A shift is also apparent in 2005 towards more disposal of used oil than that which is recycled. The difference between the amount of used oil reported as being recycled and disposed compared to that reported collected reconciles to within 0.9 percent margin of error.

The data shifts are thought to be due to three factors. First, the data for this year’s report was collected after Florida had weathered the effects of two tropical storms and three hurricanes. It is thought that these storms, following the four hurricanes that

struck Florida in 2004, resulted in cleanup efforts which generated a lot of material managed as oily wastes. Second, higher prices in the virgin fuel market, which makes used oil a very lucrative commodity, did not develop until the middle of 2005. Until then, the cost of managing oily wastes remained comparable to recycling. Finally, nearly all Used Oil Processing facilities now have solid waste permits in place, which allows for the management of oily wastes just as easily as recycling used oil. When the virgin crude market prices increase as expected, it will be an incentive to manage oily wastes in a way that directs as much used oil as possible to be pulled from the waste stream and into the recycling stream.

Amount of Used Oil and Oily Wastes Collected

In calendar year 2005, 162,310,571 gallons of used oil and oily wastes were reported to have been collected (Figure 2, Page 6). Automotive used oil and oily wastes made up 44 percent of the total amount collected, including 3,220,105 gallons collected from the 834 Public Used Oil Collection Centers reporting. Eighteen percent of this total was industrial oil collected from bulk petroleum facilities and various other industrial sources. The remaining 38 percent of the total was of the mixed type generated by commercial sources such as a combination of automotive and industrial oils. These percentages of the sources of used oil are essentially unchanged over those of last year.

Disposition of Used Oil

Of the 162,310,571 gallons of used oil and oily wastes collected in Florida during 2005, 43,347,871 gallons represents a duplication of data which occurs when used oil transporters report their collections to the Department when the oil is not end-used but rather is transferred to another facility (Appendix A, box IV). The receiving facility then also reports this same quantity as having been collected at that site. When the on-hand inventory is included and the transferred quantity is removed from the data, a total of 122,705,658 gallons of used oil and oily wastes were reported as collected (Appendix A, box VIII).

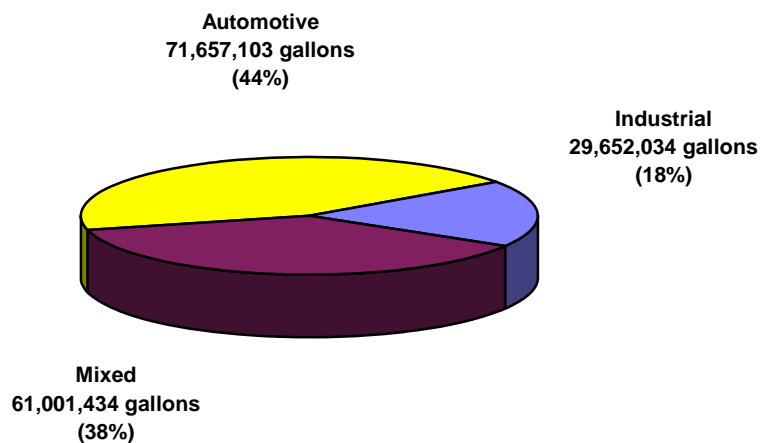


Figure 2: Sources of Used Oil and Oily Wastes Collected in Florida in 2005 (162,310,571 Total Gallons)

122,341,001 gallons of used oil were reported as being managed, meaning recycled or disposed, leaving a difference of 364,657 gallons. According to information provided by industry, there is always a degree of error in tracking used oil because of differences in measuring loads of used oil which are intrinsic to the used oil industry. Most transporters use dip sticks to estimate volume during pick-up and transit. Processors use a more sophisticated measure, using actual weight from certified scales in determining a price per load.

It is not uncommon for transporter estimates to differ by 6-12 percent from the final measured volume, with the mean falling around 7 percent. The error in this year's annual report calculates to 0.03 percent of the adjusted total quantity reported to have been collected. This slight difference is an indication of the success of the Department's continuing quality control efforts to increase the accuracy of its data collection and reporting.

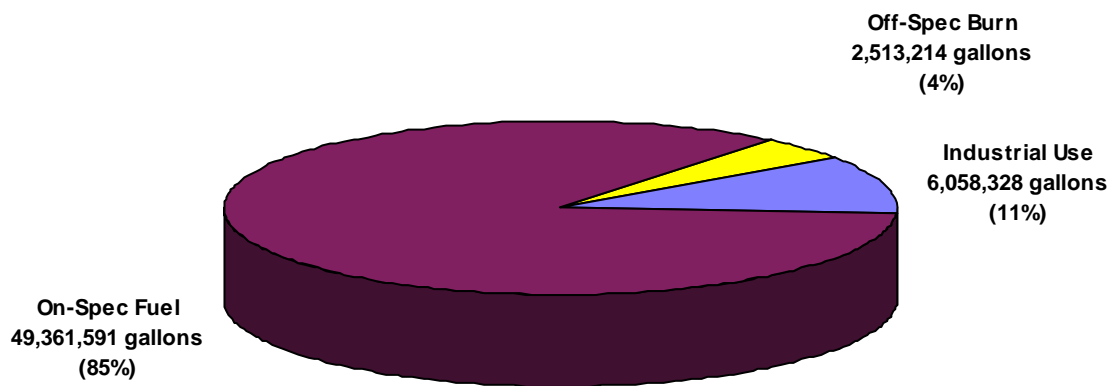


Figure 3: Disposition of Recycled Used Oil in Florida in 2005
(57,933,133 Total Gallons)

Of the 122,341,001 gallons of used oil and oily wastes reported as managed, 57,933,133 gallons (47.4 percent) were recycled as follows (Figure 3, above):

- 49,361,591 gallons (85 percent) were marketed as an on-specification used oil fuel;
- 2,513,214 gallons (4 percent) were burned as an off-specification used oil fuel; and
- 6,058,328 gallons (11 percent) were marketed for other industrial uses such as phosphate beneficiation, where used oil is used to float the phosphate particles.

This year's data show a substantial increase of more than 11 percent over last year in the amount of oil marketed as an on-specification fuel which is considered equivalent to a virgin fuel of the same grade. Data also indicate a decrease from 23.7 percent in 2004 to 11 percent in 2005 in the amount of recycled used oil marketed for industrial purposes, primarily the phosphate industry. At the same time, there was a slight increase in the marketing of off-specification fuels.

Disposition of Oily Wastes

Of the used oil and oily wastes collected, 60,972,074 gallons ended up as oily wastes. Oily wastes are mostly condensation water and sediment, which are ubiquitous in used oil, and makes up almost 50 percent of the total amount of used oil managed. When a container of used oil is picked up for transportation, whether in drums or pumped into a vacuum-truck, these wastes will almost always constitute some significant portion of the used oil load. A significant portion, according to industry reports, ranges anywhere from four to 20 percent, with the mean around 7 percent. Oily wastes were managed as follows (Figure 4, below):

- 2,941,006 gallons (5 percent) were landfilled (non-liquid sediment);
- 55,186,399 gallons (90 percent) were treated as industrial wastewater; and
- 2,844,669 gallons (5 percent) were incinerated.

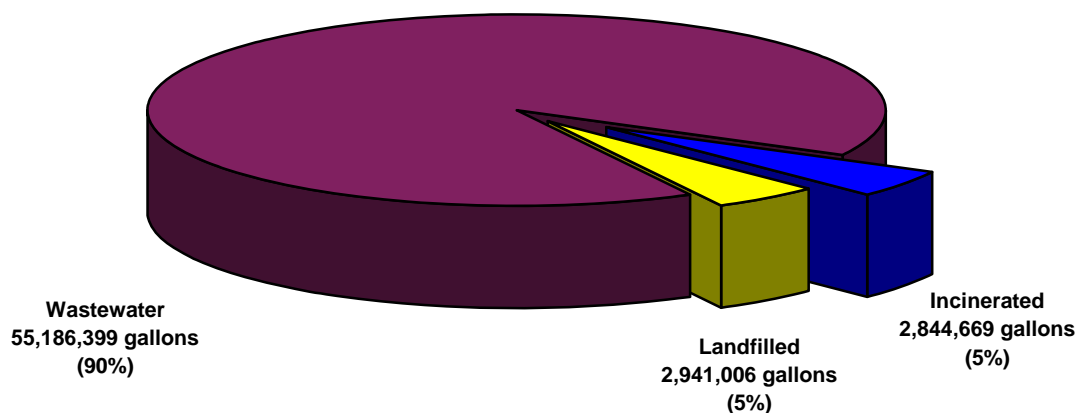


Figure 4: Treatment and Disposal of Oily Wastes in Florida in 2005
(60,972,074 Total Gallons)

The options for the disposal of oily wastes, which include landfill, incineration and wastewater treatment, continue to reflect a stable management scheme in Florida. The management of oily wastes through wastewater treatment facilities seems to offer a

more refined, controllable, and environmentally benign method of managing oily wastes when compared to landfilling and incineration. This year's data indicates a notable increase in the amount of oily wastes incinerated. The volume of oily wastes landfilled also increased this year to 5 percent compared to 1 percent in 2004. This increase may be due to the fact that nearly all Used Oil Processors are now also permitted to manage solid waste, making disposal options other than wastewater treatment, which is increasingly expensive, more cost effective.

The 3,435,794 gallons missing from the management scheme when one adds the amount of used oil reported as recycled to the oily wastes disposed can be found in the End of Year Inventory, listed in Appendix A but is not shown in the charts.

USED OIL FILTERS (UOFs)

There are a number of difficulties in deriving conclusions with a high degree of confidence from UOF data. First, as the Department's authority to regulate UOFs extends only to the used oil trapped within the filter, the reporting of such data was made optional in Chapter 62-710, F.A.C. Second, UOFs are collected in a number of different ways including barrels, drums, roll-offs or bins of crushed, uncrushed or shredded filters and the data are reported using barrel equivalents and tonnage conversions, resulting in approximations.

Furthermore, staff has been unable to obtain sales figures of new oil filters in Florida as this is considered proprietary information by the companies involved in this business. As a result, the Department can only estimate the number of filters which are generated in the state. Finally, data on filters generated in areas of the state served by Waste-to-Energy (WTE) facilities are, for the most part, not reported. This is assumed to be a significant number of filters as approximately 14 percent of all solid waste generated in Florida are burned for energy recovery.

Even though the actual reporting mechanisms are weak, the Department continues to use a very generous estimate of UOF generation in Florida which assumes four filter changes per year for the 13.7 million vehicle registrations estimated for 2004-2005 by the Florida Department of Highway Safety and Motor Vehicles. Based on this assumption, the Department estimates that approximately 54.8 million UOFs are generated in Florida annually.

From the data reported, 21,946,537 UOFs were identified as recycled and thus diverted from landfill disposal, accounting for approximately 40 percent of the UOFs estimated to have been generated in Florida. This is a 1 percent decrease in the number of UOFs reported recycled in 2005.

Most of the filters reported to have been collected were sent to United States Foundry in Miami-Dade County which recycles the filters into gray steel used to produce manhole covers and similar products. The prohibition against the landfill disposal of used oil filters resulted in the recycling, rather than disposal, of 10,973 tons of steel in 2005. Approximately 392,067 gallons of used oil trapped within the filter were collected

during the management of these filters and handled under the used oil management standards. It is assumed that 2 ounces of used oil remain within a UOF.

The Department remains concerned that U.S. Foundry is the sole significant UOF end-user available and is investigating other end markets such as electric arc mini mills.

PUBLIC USED OIL COLLECTION CENTERS (PUOCCs)

As of December 2005, Florida had a statewide network of 834 active PUOCCs. The Department has worked closely with all county Used Oil Coordinators, the Florida Petroleum Council, Florida Petroleum Marketers Association, and others in the quick lube oil change business in establishing this network. Major oil companies and hundreds of independent service stations, auto repair shops, quick lube shops and auto parts retailers have volunteered to become public used oil collection centers.

Operators of used oil collection sites who maintain compliance with all applicable management standards are granted certain liability exemptions under Section 114 of the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund), and are also granted protection against enforcement penalties related to a release of used oil under Section 403.760, F.S. Facility owners must still assume the significant costs associated with a cleanup.

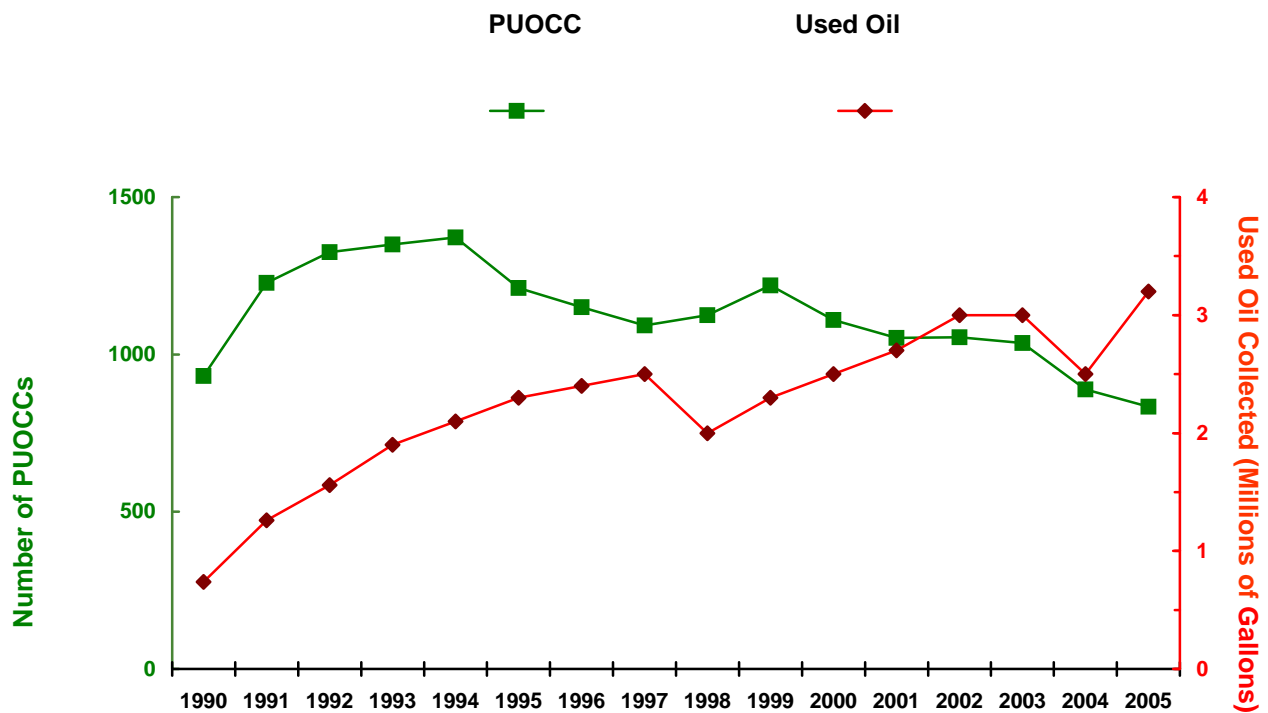


Figure 5: Trends in the Number of Florida’s Public Used Oil Collection Centers (PUOCCs) vs. the Number of Gallons of Used Oil Collected from PUOCC’s from 1990 to 2005

The number of PUOCCs participating in this program continues a slight downward trend (Figure 5, above), most of which is attributed to the fact that many municipalities are moving away from multiple, often remote, un-monitored collection stations which are prone to abuse, and towards establishing one central, monitored, collection site. Although the number of PUOCCs seems to be decreasing, the quantity of used oil collected from household Do-It-Yourselfers (DIYers) has continued to increase notwithstanding some significant spikes, such as that evidenced in the 2004 data, which are explained below.

PUOCCs accepted 3,220,105 gallons of used oil in calendar year 2005. This is an increase of nearly 32 percent compared to last year. The reasons for this increase are two-fold. First, the data reported last year by a single corporate entity which owns half of the collection centers reporting were significantly flawed. Though realized too late to correct this problem last year, Department staff have worked closely with corporate representatives in a cooperative and successful effort at data quality control. Finally, while correcting the corporate reporting error, Department staff also corrected a program glitch in the collection database which may have caused a flaw in the recording of the data reported.

As in previous years, the Department estimated four oil changes per year per DIYer. The Department feels that in Florida, because of the size of its retirement age population, the vibrant quick lube service business, and large lease fleets, the number of DIYers is probably close to 15 percent of the 13.5 million registered vehicles. Florida DIYers generated an estimated 8.1 million gallons of used oil in 2005. This means that, despite the problems described above, Florida still collected 31 percent of the DIYer used oil estimated to have been generated. As the number of registered vehicles increase, the collection rate remains the same.

The 2002 Used Oil Recycling media campaign described on Page 2 showed a strong correlation to an increase in the amount of used oil collected from DIYers. The continuing trend of a decreasing number of PUOCCs indicates that such media campaigns should be continued.

The Department maintains a toll-free number (1-800-741-4DEP) which uses voice mail to index PUOCCs by post office zip code. Anyone calling this number is prompted to enter their zip code. The system then either reports a listing of PUOCCs in that zip code, or directs the caller to retry adjacent zip codes or leave a taped message for a prompt reply from a Department representative. The Department has partnered with "Earth 911" to maintain this information on its web page (<http://www.earth911.org>). This information is also available through the 1-800-CLEAN-UP network.

Advance Auto Parts® and its subsidiary stores now maintain approximately 52 percent of the PUOCCs in Florida and account for slightly over 50 percent of all the used oil collected from the public in Florida. Pep Boys® and Auto Zone® are two other major corporate contributors to the success of Florida's PUOCC program. The voluntary

efforts undertaken by these major participants in helping to ensure the convenience of this program for all Floridians are noteworthy and commendable.

EFFECTIVENESS OF THE ACT

One of the main purposes of the Florida Resource Recovery and Management Act, which authorizes the Used Oil Recycling Program, is to promote the recovery of resources, such as used oil, which have the potential for further use, thus protecting public health and the environment. A combination of Florida's growing population, an effective PUOCC program and effective management standards regulating used oil and used oil filters continues to increase the amount and quality of used oil available for recycling.

Prohibitions concerning the land application or disposal of used oil and strict management standards provide the Department's enforcement personnel with the necessary authority to prevent contamination of surface and ground waters that can be caused by improper used oil management practices. The management standards, including the used oil processing permitting requirements, were adopted with the input, cooperation and consensus of the regulated community. They are based on a common sense approach to regulation which is felt to be protective of the environment and public health while assuring used oil will be recycled to the most practical extent possible.

According to a 1995 report published by Evergreen Oil Company of California, a 1996 report published by the American Petroleum Institute and an as yet unpublished report commissioned by the state of California, the collection rate of Florida's Used Oil Recycling Program continues to rank as one of the best, if not the best, in the nation. The Department attributes this success to: 1) its decision not to manage used oil as hazardous waste; 2) the cooperation of public and private entities in maintaining the PUOCC program; and 3) the Department's use of effective formal education and public information materials. The data reported here continue to demonstrate the effectiveness of Florida's Program. In addition, Florida's Used Oil Recycling Program as a whole continues to serve as a national and international model of effective used oil management. It provides assistance to other states and to developing programs around the world as requested. In 2005, this included handling inquiries from states of Pennsylvania and California and the countries of Canada and Kuwait.

RECOMMENDATIONS

It is recommended that the Department's current methods of record keeping and reporting, which are extremely time and labor intensive for both the Department and the regulated community, be significantly overhauled to take advantage of available electronic information management tools. The Department is exploring options to enable the regulated community to perform all registration and reporting functions on-line.

It would be valuable to re-examine the DIY segment of the used oil universe as it has been over ten years since the Department quantified this. While statutes, rules and data collection have kept pace with the changing nature of both used oil management and population trends, the tools used to measure the effectiveness of the DIY segment are dated and in need of refinement.

It would also be valuable to update and reproduce some of the public education materials which were first developed nearly 15 years ago. That these materials are still valid and in use today speaks to the quality of these items, which include Public Service Announcements, flyers, posters, and some formal education materials. Recent information from the EPA and the state of California regarding the DIY universe indicates that it would be wise to produce existing materials in Spanish as well as English.

Appendix A
SUMMARY OF USED OIL DATA REPORTED TO DEP IN 2006

<p>I. Used Oil Handlers 102 Companies registered 156 Sites registered 139 Used Oil Transporters 81 Used Oil Transfer Facilities 48 Used Oil Marketers 6 Used Oil Burners (off-spec) 19 Used Oil Processors</p>	<p>II. Used Oil Filter (UOF) Handlers 115 UOF Transporters 72 UOF Transfer Facilities 14 UOF Processors 1 UOF End-users</p>																				
<p>III. Gross Total of Used Oil/Oily Wastes Collected</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Automotive</td> <td style="width: 25%;">FL: 71,211,001†</td> <td style="width: 25%;">Out of State: 446,102</td> <td style="width: 25%;">Total: 71,657,103</td> </tr> <tr> <td>Industrial</td> <td>FL: 29,031,185</td> <td>Out of State: 620,849</td> <td>Total: 29,652,034</td> </tr> <tr> <td>Mixed</td> <td>FL: 58,225,126</td> <td>Out of State: 2,776,308</td> <td>Total: 61,001,434</td> </tr> <tr> <td>Totals:</td> <td>FL: 158,467,312</td> <td>Out of State: 3,843,259</td> <td>Gross Total Collected: 162,310,571</td> </tr> </table> <p style="text-align: center;">†NOTE: This includes 3,220,105 gallons collected by Public Used Oil Collection Centers</p>		Automotive	FL: 71,211,001†	Out of State: 446,102	Total: 71,657,103	Industrial	FL: 29,031,185	Out of State: 620,849	Total: 29,652,034	Mixed	FL: 58,225,126	Out of State: 2,776,308	Total: 61,001,434	Totals:	FL: 158,467,312	Out of State: 3,843,259	Gross Total Collected: 162,310,571				
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Totals:	FL: 158,467,312	Out of State: 3,843,259	Gross Total Collected: 162,310,571																		
<p>IV. Used Oil/Oily Wastes Transferred FL: 28,015,934 Out of State: 15,331,937 Total: 43,347,871 (During data collection, the amount transferred ends up being reported twice as having been "collected")</p>																					
<p>V. Net Total of Used Oil/Oily Wastes Collected (Total amount collected minus the amount transferred, not including on-hand inventory) Net Total: 118,962,700</p>																					
<p>VI. Used Oil Recycled</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Marketed as On-Spec</td> <td style="width: 25%;">FL: 44,197,991</td> <td style="width: 25%;">Out of State: 5,163,600</td> <td style="width: 25%;">Total: 49,361,591</td> </tr> <tr> <td>Off-Spec Burner</td> <td>FL: 2,513,214</td> <td>Out of State: 0</td> <td>Total: 2,513,214</td> </tr> <tr> <td>Marketed as Industrial</td> <td>FL: 6,058,328</td> <td>Out of State: 0</td> <td>Total: 6,058,328</td> </tr> <tr> <td>Total:</td> <td>FL: 52,769,533</td> <td>Out of State: 5,163,600</td> <td>Total: 57,933,133</td> </tr> </table>		Marketed as On-Spec	FL: 44,197,991	Out of State: 5,163,600	Total: 49,361,591	Off-Spec Burner	FL: 2,513,214	Out of State: 0	Total: 2,513,214	Marketed as Industrial	FL: 6,058,328	Out of State: 0	Total: 6,058,328	Total:	FL: 52,769,533	Out of State: 5,163,600	Total: 57,933,133				
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Appendix B

Chapter 62-710, Florida Administrative Code

Appendix C

Sections 403.75 - 403.769, Florida Statutes

Appendix B

Chapter 62-710, Florida Administrative Code

62-710.100	Intent. (Repealed)
62-710.200	Definitions. (Repealed)
62-710.201	Definitions.
62-710.210	Documents Incorporated by Reference.
62-710.300	Applicability.
62-710.400	Prohibitions. (Repealed)
62-710.401	Prohibitions.
62-710.500	Registration and Notification.
62-710.510	Record Keeping and Reporting.
62-710.520	Reporting. (Repealed)
62-710.530	Exemptions. (Repealed)
62-710.600	Certification of Used Oil Transporters.
62-710.800	Permits for Used Oil Processing Facilities.
62-710.850	Management of Used Oil Filters.
62-710.900	Forms. (Repealed)
62-710.901	Forms.

62-710.201 Definitions.

In addition to applicable definitions in Rule 62-701.200, F.A.C., the following words, phrases, or terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(1) "Oily wastes" means those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil.

(2) "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes blending used oil with virgin petroleum products, blending used oils to meet the fuel specification found in 40 C.F.R. Part 279.11, filtration, simple distillation, chemical or physical separation and rerefining.

(3) "Processor" means any person processing used oil. The term also includes any transfer facility that stores used oil for longer than 35 days at a time, any used oil marketer who receives used oil from transporters or who has at least 25,000 gallons of used oil storage capacity, and any person who blends used oil with on-specification used oil fuel or with virgin petroleum products for the purpose of producing on-specification used oil fuel.

(4) "Public used oil collection center" means:

(a) An automotive service facility or government-sponsored collection facility which accepts for disposal small quantities of used oil from households; or

(b) A facility which stores used oil and which accepts small quantities of used oil from households.

(5) "Used oil" means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

(6) "Used oil transporter" means any person who transports used oil over public highways in shipments of greater than 55 gallons at one time.

(7) "Used oil filter" means any device which is an integral part of an oil flow system, the primary

purpose of which is to remove contaminants from the flowing oil contained within the system and which, as a result of use, has become contaminated and unsuitable for its original purpose, is removed from service, and contains entrapped used oil.

(8) “Used oil filter processor” means a person who removes oil from used oil filters to prepare them for recycling. Generators of used oil filters who consolidate, drain or crush used oil filters for off-site recycling are not used oil filter processors providing the generator complies with the requirements of subsection 62-710.850(2), F.A.C.

(9) “Used oil filter transporter” means any person who transports for hire used oil filters to a used oil filter transfer or processing facility.

(10) “Used oil filter transfer facility” means any facility which is used to store, for more than 10 days, used oil filters which were not generated at that facility. A person who stores its own used oil filters generated at its own non-contiguous operations on its own property is not considered a used oil filter transfer facility provided the used oil filters are processed by a registered used oil filter processor.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.703, 403.75, 403.760, 403.767, 403.769 FS. History—New 6-9-05.

62-710.210 Documents Incorporated by Reference.

(1) General provisions relating to solid waste management may be found in Chapter 62-701, F.A.C., including statements of intent, definitions, prohibitions, general permitting requirements, alternate procedures, and forms. Except where the context indicates otherwise, these general provisions apply to this chapter.

(2) The Department adopts by reference 40 C.F.R. Part 279 revised as of July 1, 2004, which contains the federal standards for the management of used oil. It is the intent of the Department to interpret these standards in a manner consistent with interpretations promulgated by the United States Environmental Protection Agency, except when such interpretations conflict with Florida law.

(3) “On-specification used oil fuel” means any used oil which meets the requirements of 40 C.F.R. Part 279.11. Used oil fuel containing PCBs at a concentration equal to or greater than 2 ppm, but less than 50 ppm, shall be managed in accordance with 40 C.F.R. Part 761.20(e) and burned only in boilers or industrial furnaces as defined in 40 C.F.R. Part 260.10 and identified in 40 C.F.R. Part 279.61. Used oil containing PCBs at a concentration equal to or greater than 50 ppm is fully subject to the requirements of the Toxic Substances Control Act found in 40 C.F.R. Part 761. Blending used oil for the purpose of reducing the concentration of PCBs to below 50 ppm is prohibited in accordance with the provisions of 40 C.F.R. 279.10(i) and 761.20(e).

(4) References in 40 C.F.R. Part 279 to 40 C.F.R. Part 262 shall mean rules adopted by the Department regarding generators of hazardous wastes; reference to 40 C.F.R. Part 263 shall mean rules adopted by the Department regarding transporters of hazardous waste; reference to 40 C.F.R. Parts 264 and 265 shall mean rules adopted by the Department regarding treaters, storers and disposers of hazardous wastes; references to 40 C.F.R. Part 266 shall mean rules adopted by the Department regarding standards for the management of specific hazardous waste; and references to Section 3010 of RCRA shall mean notification requirements of Florida Law. The above-mentioned Department rules are found in Chapter 62-730, F.A.C.

(5) When the same word, phrase, or term is defined in Rule 62-710.201, F.A.C., and 40 C.F.R. Part 279 and the definitions are not identical, the definitions as given in Rule 62-710.201, F.A.C., shall apply.

(6) Unless specifically indicated otherwise, when used in any such provisions as adopted from 40 C.F.R. Part 279, United States shall mean the State of Florida, EPA shall mean the Department, and Administrator or Regional Administrator shall mean the Secretary of the Department or the Secretary's designee, where appropriate.

(7) Any reference to 40 C.F.R. Parts 124 or 270 as adopted by reference in 40 C.F.R. Part 279 shall mean the permitting provisions in Chapter 62-4 or 62-730, F.A.C., or Section 403.722, F.S.

(8) Any reference to the Resource Conservation and Recovery Act of 1976 (RCRA) as adopted by reference in 40 C.F.R. Part 279 shall be construed to refer to comparable provisions of the Florida Resource Recovery and Management Act as established in Part IV of Chapter 403, F.S.

(9) EPA Form 8700-12 has been adopted by reference in Rule 62-730, F.A.C., and may be used when referred to in 40 C.F.R. Part 279.

Specific Authority 403.061, 403.704, 403.7545, 403.8055 FS. Law Implemented 403.704, 403.7545 FS. History—New 6-8-95, Amended 12-23-96, 3-25-97, 6-9-05.

62-710.300 Applicability.

This section offers guidance to the regulated community on the applicability of this chapter to various types of operations and operators. It should not be read to relieve any person from applicable requirements of this rule or any other rules or statutes.

(1) Used oil handlers.

(a) Generators shall comply with the requirements found in 40 C.F.R. Part 279, Subpart C and must have their used oil managed only by a used oil handler which is registered with the Department, except with respect to the transportation of used oil in shipments of 55 gallons or less.

(b) Mobile lube operators shall comply with the requirements found in 40 C.F.R. Part 279, Subpart C. The Department recommends that mobile lube operators who transport more than 500 gallons of used oil per year over public highways have a spill control plan and equipment in place.

(c) Private and public used oil collection centers and aggregation points shall comply with 40 C.F.R. Part 279, Subpart D. They shall also meet the registration and notification and record keeping requirements found in Rules 62-710.500 and 62-710.510, F.A.C.

(d) Used oil transporters and transfer facilities shall comply with 40 C.F.R. Part 279, Subpart E. They shall also comply with registration, record keeping and certification requirements found in Rules 62-710.500, 62-710.510, and 62-710.600, F.A.C.

(e) Processors shall comply with 40 C.F.R. Part 279, Subpart F. They shall also meet the registration, record keeping, and permit requirements found in Rules 62-710.500, 62-710.510, and 62-710.800, F.A.C.

(f) Burners who burn off-specification used oil for energy recovery shall comply with 40 C.F.R. Part 279, Subpart G. They shall also comply with the registration and notification and record keeping requirements found in Rules 62-710.500 and 62-710.510, F.A.C.

(g) Marketers shall comply with 40 C.F.R. Part 279, Subpart H. They shall also comply with the registration and notification and record keeping requirements found in Rules 62-710.500 and 62-710.510, F.A.C.

(2) Used oil filter handlers (i.e., generators, transporters, processors and end users as defined in Rule 62-710.201, F.A.C.) shall comply with Rule 62-710.850, F.A.C.

(3) Used oil storage and process tanks must meet the requirements of 40 C.F.R. Part 279.54, as well as the requirements of Chapter 62-761, F.A.C., Underground Storage Tank Systems, and Chapter 62-762, F.A.C., Above Ground Storage Tank Systems, as applicable.

(4) Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria, applies to discharges of used oil.

Specific Authority 403.061, 403.704, 403.767 FS. Law Implemented 403.703, 403.75, 403.754, 403.760, 403.767, 403.769 FS. History—New 6-9-05.

62-710.401 Prohibitions.

(1) No person may collect, transport, store, recycle, use, or dispose of used oil, used oil filters or oily wastes except as authorized in this chapter or in Chapter 403, F.S.

(2) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters.

(3) Except as provided herein, no person may mix or commingle used oil with solid waste that is to be

disposed of in landfills or directly dispose of used oil in landfills.

(a) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain spills or releases of used oil, and soils contaminated with used oil as a result of spills or releases are not subject to this prohibition. In some cases, other Department rules, local ordinances, or landfill policies may prohibit the disposal of such materials.

(b) Any person wishing to dispose of solid waste mixed with used oil in a landfill which is otherwise prohibited by this subsection may apply to the Department for approval of alternate procedures in accordance with Rule 62-701.310, F.A.C. If the basis for the request is that it is impractical to separate the used oil from the solid waste, the request may be submitted without a fee.

(c) Any person who unknowingly disposes into a landfill any used oil, including used oil filters which have not been properly segregated or separated from other solid wastes by the generator, is not guilty of a violation under this subsection. This provision is applicable to landfill operators who unknowingly accept such wastes for disposal.

(4) Notwithstanding the provisions found in 40 C.F.R. 279.10(b)(3), no person may mix or commingle used oil with hazardous substances that make it unsuitable for recycling or beneficial use.

(5) Used oil shall not be used for road or pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.

(6) No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.751 FS. History--New 6-9-05.

62-710.500 Registration and Notification.

(1) The following persons shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(1):

- (a) Used oil transporters and transfer facilities;
- (b) Used oil processors;
- (c) Used oil fuel marketers who sell used oil fuel; and
- (d) Used oil burners of off-specification used oil.

(2) The registration form shall be accompanied by a registration fee of \$100 per facility. It is not necessary to submit more than one form or fee if registering more than one activity, or if the registration is for an entire transportation fleet operating out of one facility site. The registration form and fee shall be due by March 1 of each year. The registration fee is waived for used oil processing facilities for which a permit fee was paid under Rule 62-710.800, F.A.C.

(3) Upon receipt of the completed form and fee, the Department shall issue to each registered person a validated registration form which shall be valid for one year. For used oil transporters, acknowledgment of registration shall be included in the certification process of Rule 62-710.600, F.A.C. The registration shall be valid from July 1 of the year of registration or renewal until June 30 of the following year.

(4) Each registered person shall display the validated registration form and identification number in a prominent place at each facility location.

(5) Each public used oil collection center shall notify the Department no later than 30 days after first accepting used oil from the public on DEP Form 62-710.901(5). The Department shall acknowledge filing of the notification within 30 days of receipt.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.704, 403.754, 403.760 FS. History--New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90, Formerly 17-710.500, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05.

62-710.510 Record Keeping and Reporting.

(1) Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information:

- (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 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, including any oily wastes which may be an integral part of the used oil shipment;
- (d) The type of used oil received, using the type code designation found in the form instructions;
- (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 found in the form instructions; and
- (g) Documentation of halogen screening in accordance with the requirements of Rule 62-710.600, F.A.C.

(2) Transporters shall maintain documentation of all shipments of used oil, including those accepted for transport as well as those refused due to suspected mixing with hazardous waste. A copy of this record shall be left with the generator.

(3) A generator of used oil that transports only its own used oil generated at its own non-contiguous operations to its own central collection facility for storage prior to having its used oil picked up by a certified used oil transporter is not subject to the record keeping and reporting requirements of this section.

(4) The records required by this section shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours, unless another location and inspection schedule is specified in the registration package submitted to the Department.

(5) No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3). The report shall summarize the records kept pursuant to this section.

(6) No later than July 1 of each year, each public used oil collection center shall submit to the Department an estimate of the quantity of used oil accepted from the public during the previous calendar year. The Department shall advise each public used oil collection center of this requirement by June 1 of each year.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.754, 403.760 FS. History—New 2-25-85, Formerly 17-7.64, 17-7.640, Amended 1-17-90, Formerly 17-710.510, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05.

62-710.600 Certification Program for Used Oil Transporters.

(1) Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become certified pursuant to this section. This section shall not apply to:

- (a) Any local governments or private solid waste hauler under contract to a local government that transports used oil collected from households to a public used oil collection center; or
- (b) Any used oil transporter that transports its own used oil, which is generated at its own noncontiguous facilities, to its own central collection facility for storage, processing, or energy recovery. However, such used oil transporter shall provide the proof of financial responsibility required in paragraph (2)(e) of this section.

(2) To become certified and to maintain certification, used oil transporters shall:

- (a) Register annually with the Department and comply with the annual reporting and record keeping requirements pursuant to Rules 62-710.500 and 62-710.510, F.A.C.;

(b) Show evidence of familiarity with applicable state laws and rules governing used oil transportation by submitting a training program for approval to the Department which includes provisions for at least the following:

1. Compliance with state and federal rules governing used oil;
2. Proper used oil management practices, including appropriate response actions to any release or spill;
3. A detailed description of the company's standard operating procedure for halogen screening at each pick up location. This description shall include instrument specifications and capabilities, calibration methods and frequency, procedures addressing the handling of loads which indicate halogen levels in excess of 1,000 ppm, and record keeping procedures for all loads accepted or refused.
4. An introduction of each new employee to the applicable laws and rules before unsupervised driving of a used oil transportation vehicle; and
5. Documentation that all company personnel handling or transporting used oil have successfully completed the training program. New employees shall complete the training program as soon as possible, but no later than 90 days after beginning employment;

(c) Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections;

(d) Submit to the Department an annual statement in conjunction with the annual registration required under Rule 62-710.500, F.A.C., which states that the training program is still operating and is being adhered to and has been annually reviewed and updated to address changes in regulations which apply to the operation, and which provides an explanation of any modifications to the training program; and

(e) Have, verify, and maintain vehicle insurance with a combined single limit of no less than \$1,000,000. Such insurance, or additional policy, must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs.

1. The insurance required in this paragraph may be established by:

a. Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible (with the deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten percent of the equity of the business), using DEP Form 62-710.901(4). The insurance policy shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. An ACORD form will only be accepted for renewal of a policy with the same carrier; or

b. For business entities registered in Florida, evidence of self-insurance provided by the chief financial officer of the business entity.

2. States and the federal government are exempt from the requirements of this paragraph.

(3) The Department shall issue a certification to each transporter that provides reasonable assurance of compliance with the requirements of this section, which shall be valid for the current registration period.

(4) The revocation provisions of Section 403.087(7), F.S., apply to certified used oil transporters. That statute authorizes revocations in accordance with the procedural requirements of Section 120.60, F.S., upon a finding by the Department that such transporter:

(a) Has submitted false or inaccurate information in its application;

(b) Has violated statutes which the Department is authorized to enforce, Department orders, rules, or certification conditions;

(c) Has failed to submit reports or other information required by Department rule or permit condition;
or

(d) Has refused to allow inspection of its records or equipment by Department personnel or other persons when such inspection is authorized by Department rule or permit condition.

Specific Authority 403.061, 403.704, 403.767 FS. Law Implemented 403.767 FS. History—New 1-17-90, Formerly 17-

62-710.800 Permits for Used Oil Processing Facilities.

(1) This rule shall apply to any owner or operator of a facility that processes used oil. The owner or operator shall comply with the requirements of this chapter including the requirements of 40 C.F.R. Part 279 Subpart F.

(a) Processing does not include the removal of used oil from wastewater solely for the purpose of making the wastewater or stormwater acceptable to meet discharge limits in other permits. However, the used oil generated from such activity is subject to this chapter. Sediment material removed from an oil/water separator for disposal is subject to the requirements of Chapter 62-730, F.A.C.

(b) Permits shall not be required under this section for generators who aggregate their own used oil with virgin oil or on-specification used oil for purposes of burning on-specification used oil fuel at the aggregation site, provided a valid air permit authorizing such burning is in effect for the facility.

(c) Permits shall not be required under this section for facilities that conduct processing operations incidental to burning the used oil fuel on-site, provided a valid air permit authorizing such burning is in effect for the facility and all of the used oil fuel is burned on-site.

(2) An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a permit issued by the Department in accordance with this chapter.

(3) Before operating, closing or making any substantial modification to a used oil processing facility, the owner or operator shall submit to the Department the Used Oil Processing Facility Permit Application, DEP Form 62-710.901(6). The engineering aspects of the application shall be certified by a Professional Engineer.

(a) Pursuant to subsections 62-4.050(6) and (7), F.A.C., a substantial modification means a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. For purposes of this subsection, an increase in storage capacity of the facility by 25% or 25,000 gallons, whichever is less, is considered a substantial modification.

(b) Pursuant to paragraph 62-4.050(4)(s), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.

(c) Changes at a facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. Facility operators are advised to contact the Department if they have questions as to whether a change would be considered routine maintenance.

(4) Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a used oil processor permit application, including a permit renewal application, is \$2,000. The fee for a substantial modification to the permit is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.

(5)(a) The owner or operator of a used oil processing facility shall have and submit to the Department as part of its permit application a written closure plan to show how the facility will be closed to meet the following requirements:

1. There will be no need for further facility maintenance;
2. Used oil will not contaminate surface or ground water; and
3. All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed.

(b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.

(c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.

(d) The owner or operator shall submit a detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the facility.

(e) Within 30 days after closing the facility, the owner or operator shall submit a certification of closure completion to the Department which demonstrates that the facility was closed in substantial compliance with the detailed closure plan. Within 30 days of determining that the facility was closed in accordance with its closure plan, the Department shall release the facility from its financial assurance obligations.

(6) Financial assurance.

(a) The owner or operator of a used oil processing facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimate for the facility. This proof, along with the closing cost estimate, shall be submitted to the Department as part of the permit application process for the facility. Proof of financial assurance shall consist of either a surety bond guaranteeing payment or a surety bond guaranteeing performance, which complies with the requirements of Rule 62-701.630, F.A.C. An owner or operator may request an alternate proof of financial assurance in lieu of, or in combination with, the requirement for a surety bond, consisting of one or more of the following financial instruments which comply with the requirements of Rule 62-701.630, F.A.C.: trust fund; irrevocable letter of credit; insurance; or financial test and corporate guarantee. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g) or (h), as appropriate.

(b) For the purpose of determining the closing cost estimate, the owner or operator shall estimate the total cost of closing the facility using Form 62-710.901(7) and in accordance with the closure plan pursuant to subsection (5) of this section, for the time period in the facility operation when the extent and manner of its operation make closing most expensive. The owner or operator shall submit the estimate, together with all necessary justification, to the Department along with the proof of financial assurance. The costs shall be estimated and certified by a professional engineer for a third party to perform the work, on a per unit basis, with the source of estimates indicated. The owner or operator shall keep the latest closing cost estimate at the facility. When this estimate has been adjusted in accordance with paragraph (c) of this subsection, the latest adjusted closing cost estimate shall also be kept at the facility.

(c) The owner or operator shall annually adjust the closing cost estimate for inflation and changes in the closure plan, and shall submit updated information to the Department between January 1 and March 1 of each year. Such adjustments shall be made either by:

1. Recalculating the maximum cost of closing, in current dollars; or

2. Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

(d) If the value of the funding mechanism is less than the total amount of the current closing cost estimate, the owner or operator shall revise the funding mechanism to reflect the new estimate.

(e) The initial Used Oil Facility Closing Cost Estimate Form shall be submitted to the Department no more than six months after the effective date of the rule and the owner/operator shall demonstrate funding of this closing cost estimate within 60 days of receiving approval of the cost estimate from the Department.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.704, 403.707, 403.769 FS. History—New 1-17-90, Formerly 17-710.800, Amended 6-8-95, 12-23-96, 6-9-05.

62-710.850 Management of Used Oil Filters.

(1) Prohibition. No person who removes or manages used oil filters shall dispose of such filters, or commingle such filters with other solid waste for disposal, in a landfill in Florida. It is the responsibility of the generator to make reasonable efforts to assure that such filters are not disposed of in a landfill. This prohibition shall not apply to used oil filters generated by individual households.

(2) Generators. Each generator of used oil filters whose solid waste is typically disposed of in a landfill

shall either register as a used oil filter processor or shall ensure that its filters are transported by a registered used oil filter transporter and processed by a registered used oil filter processor or end user. This does not include persons who recycle engine blocks on which used oil filters remain. Generators of used oil filters are exempt from the registration and reporting requirements of this rule provided that they transport their own used oil filters in sealed containers of 55 gallons or less which are secured to a vehicle owned by the generator.

(3) Registration. The following persons shall register with the Department in accordance with the requirements of subsections 62-710.500(2) and (4), F.A.C.:

- (a) Used oil filter transporters;
- (b) Used oil filter transfer facilities;
- (c) Used oil filter processors; and

(d) End users of used oil filters, including scrap metal dealers, metal foundries and thermal processing units such as cement kilns, who accept used oil filters from a person who is not a registered used oil filter processor. An end user shall not be required to comply with the provisions of this section with respect to used oil filters that have been obtained from a registered used oil filter processor.

(4) Used oil filter processors.

(a) Each registered used oil filter processor shall maintain records on Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the destination or end use of the processed used oil filters, including the name and street address of each destination or end user.

(b) The records required by this subsection shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours.

(c) No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(5). This report shall summarize the records kept pursuant to paragraph (a) of this subsection.

(5) General requirements for the storage of used oil filters.

(a) All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.

(b) Upon detection of a release of oil from any used oil filter container the facility owner or operator shall:

1. Stop the release;
2. Contain the released oil;
3. Clean up and manage properly the released oil and any subsequent oily waste in accordance with the provisions of Chapter 770, F.A.C., if applicable; and
4. Repair or replace any leaking used oil filter storage containers prior to returning them to service.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.751, 403.754, 403.769 FS. History—New 6-8-95, Amended 12-23-96, 6-9-05.

62-710.901 Forms.

The forms used by the Department in the used oil management program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained from a local District Office or by writing to the Used Oil Management Coordinator, MS 4555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

- (1) Application for Registration of Used Oil and Used Oil Filter Handlers, effective June 9, 2005.
- (2) Used Oil and Used Oil Filter Record Keeping Form, effective June 9, 2005.

- (3) Annual Report by Used Oil and Used Oil Filter Handlers, effective June 9, 2005.
- (4) Certificate of Liability Insurance Used Oil Handlers, effective June 9, 2005.
- (5) Public Used Oil Collection Center Notification and Annual Report, effective June 9, 2005.
- (6) Used Oil Processing Facility Permit Application, effective June 9, 2005.
- (7) Used Oil Processing Facility Closing Cost Estimate Form, effective June 9, 2005.

Specific Authority 120.53(1), 403.061, FS. Law Implemented 403.754, 403.769 FS. History—New 12-23-96, Amended 6-9-05.

Appendix C

Sections 403.75 - 403.769, Florida Statutes

403.75 Definitions relating to used oil.--As used in ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, the term:

(1) "Public used oil collection center" means:

(a) Automotive service facilities or governmentally sponsored collection facilities, which in the course of business accept for disposal small quantities of used oil from households; and

(b) Facilities which store used oil in aboveground tanks, which are approved by the department, and which in the course of business accept for disposal small quantities of used oil from households.

(2) "Department" means the Department of Environmental Protection.

(3) "Person" means any individual, private or public corporation, partnership, cooperative, association, estate, political subdivision, or governmental agency or instrumentality.

(4) "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation and rerefining.

(5) "Recycling" means to prepare used oil for reuse as a petroleum product by rerefining, reclaiming, reprocessing, or other means or to use used oil in a manner that substitutes for a petroleum product made from new oil.

(6) "Rerefining" means the use of refining processes on used oil to produce high-quality base stocks for lubricants or other petroleum products. Rerefining may include distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay, or other chemicals, or other physical treatments.

(7) "Used oil" means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

History.--s. 57, ch. 84-338; s. 25, ch. 88-130; s. 46, ch. 93-207; s. 416, ch. 94-356.

403.751 Prohibited actions; used oil.--

(1)(a) No person may collect, transport, store, recycle, use, or dispose of used oil in any manner which endangers the public health or welfare.

(b) No person may discharge used oil into sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters.

(c) No person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills in Florida unless approved by the department.

(d) Any person who unknowingly disposes into a landfill any used oil which has not been properly segregated or separated from other solid wastes by the generator is not guilty of a violation under this act.

(e) No person may mix or commingle used oil with hazardous substances that make it unsuitable for recycling or beneficial use.

(2) Used oil shall not be used for road oiling, dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.

History.--s. 58, ch. 84-338; s. 26, ch. 88-130.

403.753 Public educational program about collection and recycling of used oil.--The department shall conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil and shall:

(1) Encourage persons who annually sell at retail, in containers for use off the premises, more than 500 gallons of oil to provide the purchasers with information on the locations of collection facilities and information on proper disposal practices.

(2) Establish, maintain, and publicize a used oil information center that disperses materials or information explaining local, state, and federal laws and rules governing used oil and informing the public of places and methods for proper disposal of used oil.

(3) Encourage the voluntary establishment of used oil collection and recycling programs and provide technical assistance to persons who organize such programs.

(4) Encourage the procurement of recycled automotive, industrial, and fuel oils, and oils blended with recycled oils, for all state and local government uses. Recycled oils procured under this section shall meet equipment manufacturer's specifications. A 5-percent price preference may be given in procuring these recycled products.

History.--s. 59, ch. 84-338; s. 27, ch. 88-130.

403.7531 Notice by retail dealer.--A retail dealer who annually sells directly to the public more than 500 gallons of oil in containers for use off-premises shall post in a prominent place the toll-free telephone number the public can call to learn the location of a public used oil collection center.

History.--s. 47, ch. 93-207.

403.754 Registration of persons transporting, processing, burning, or marketing used oil; fees; reports and records.--

(1) The following persons shall register annually with the department pursuant to rules of the department on forms prescribed by it:

(a) Used oil transporters and transfer facilities. However, no registration will be issued by the department unless the requirements of s. 403.767 are met.

(b) Used oil processors and rerefiners. However, no registration will be issued by the department unless the requirements of s. 403.769 are met.

(c) Used oil burners.

(d) Used oil fuel marketers.

(2) An electric utility the operations of which generate used oil and which used oil is then reclaimed, recycled, or rerefined by the electric utility for use in its operations is not required to register or report pursuant to this section, but may be subject to other applicable federal or state rules pertaining to used oil processors and rerefiners.

(3) An onsite burner which only burns a specification used oil generated by such burner is not required to register or report pursuant to this section, provided that such burning is done in compliance with any air permits issued by the department, but may be subject to other applicable federal or state rules pertaining to used oil processors and rerefiners.

(4) The department may prescribe a fee for the registration required by this section in an amount which is sufficient to cover the cost of processing applications.

(5) The department shall require each registered person to submit, no later than March 1 of each year, a report which specifies the type and quantity of used oil transported, recycled, burned, or processed during the preceding calendar year.

(6) Each registered person who transports, processes, burns, or recycles used oil shall maintain records which identify at least:

(a) The source of the materials transported or recycled;

(b) The quantity of materials received;

(c) The date of receipt; and

(d) The destination or end use of the materials.

(7) The department shall perform technical studies to sample used oil at facilities of representative used oil transporters and at representative processing facilities to determine the incidence of contamination of used oil with hazardous, toxic, or other harmful substances.

History.--s. 60, ch. 84-338; s. 28, ch. 88-130; s. 48, ch. 93-207.

403.7545 Regulation of used oil as hazardous waste.--Nothing in ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, shall prohibit the department from regulating used oil in a manner consistent with the United States Environmental Protection Agency, or as a hazardous waste in a manner consistent with s. 241 of the Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616.

History.--s. 42, ch. 86-186; s. 29, ch. 88-130; s. 49, ch. 93-207.

403.756 Report to Legislature concerning oil recycling.--The department shall submit an annual report to the Legislature which summarizes information on used oil collection and recycling, analyzes the effectiveness of this act, and makes recommendations for any necessary changes.

History.--s. 61, ch. 84-338.

403.757 Coordination with other state agencies.--

(1) The department shall coordinate its activities and functions under ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, with the Department of Community Affairs and other state agencies to avoid duplication in reporting and information gathering.

(2) The nonprofit corporation established pursuant to s. 946.502 shall examine the feasibility of using used oil to fuel boilers and furnaces of state government buildings.

(3) The Department of Transportation shall examine the feasibility of using recycled oil products in road construction activities.

History.--s. 62, ch. 84-338; s. 30, ch. 88-130; s. 14, ch. 91-113.

403.758 Enforcement and penalty.--

(1) Except as provided in subsection (2), the department may enforce ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, pursuant to ss. 403.121, 403.131, and 403.161.

(2) Any person who fails to register with the department as required by ss. 403.754 and 526.01, as amended by chapter 84-338, Laws of Florida, is subject to a fine of \$300.

History.--s. 63, ch. 84-338; s. 31, ch. 88-130; s. 50, ch. 93-207.

403.759 Disposition of fees, fines, and penalties.--The proceeds from the registration fees, fines, and penalties imposed by ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, shall be deposited into the Solid Waste Management Trust Fund for use by the department in implementing the provisions of ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida.

History.--s. 64, ch. 84-338; s. 32, ch. 88-130.

403.760 Public used oil collection centers.--

(1) The department shall encourage the voluntary establishment of public used oil collection centers and recycling programs and provide technical assistance to persons who organize such programs.

(2) All government agencies, and businesses that change motor oil for the public, are encouraged to serve as public used oil collection centers.

(3) A public used oil collection center must:

(a) Notify the department annually that it is accepting used oil from the public; and

(b) Annually report quantities of used oil collected from the public.

(4) The Department of Agriculture and Consumer Services shall assist the department in inspecting public used oil collection centers.

(5) No person may recover from the owner or operator of a used oil collection center any costs of response actions, as defined in s. 376.301, resulting from a release of either used oil or a hazardous substance or use the authority of ss. 376.307, 376.3071, and 403.724 against the owner or operator of a used oil collection center if such used oil is:

(a) Not mixed with any hazardous substance by the owner or operator of the used oil collection center;

(b) Not knowingly accepted with any hazardous substances contained therein;

(c) Transported from the used oil collection center by a certified transporter pursuant to s. 403.767;

(d) Stored in a used oil collection center that is in compliance with this section; and

(e) In compliance with s. 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

This subsection applies only to that portion of the public used oil collection center used for the collection of used oil and does not apply if the owner or operator is grossly negligent in the operation of the public used oil collection center. Nothing in this section shall affect or modify in any way the obligations or liability of any person under any other provisions of state or federal law, including common law, for injury or damage resulting from a release of used oil or hazardous substances. For the purpose of this section, the owner or operator of a used oil collection center may presume that a quantity of no more than 5 gallons of used oil accepted from any member of the public is not mixed with a hazardous substance, provided that such owner or operator acts in good faith.

History.--s. 33, ch. 88-130; s. 10, ch. 89-188.

403.761 Incentives program.--

(1) The department is authorized to establish an incentives program for individuals who change their own oil to encourage them to return their used oil to a used oil collection center.

(2) The incentives used by the department may involve the use of discount or prize coupons, prize drawings, promotional giveaways, or other activities the department determines will promote collection, reuse, or proper disposal of used oil.

(3) The department may contract with a promotion company to administer the incentives program.

History.--s. 34, ch. 88-130.

403.763 Grants to local governments.--

(1) The department shall develop a grants program for local governments to encourage the collection, reuse, and proper disposal of used oil. No grant may be made for any project unless such project is approved by the department.

(2) The department shall consider for grant assistance any local government project that uses one or more of the following programs or any activity that the department feels will reduce the improper disposal and reuse of used oil:

(a) Curbside pickup of used oil containers by a local government or its designee.

(b) Retrofitting of solid waste equipment to promote curbside pickup or disposal of used oil at used oil collection centers designated by the local government.

(c) Establishment of publicly operated used oil collection centers at landfills or other public places.

(d) Providing containers and other materials and supplies that the public can utilize in an environmentally sound manner to store used oil for pickup or return to a used oil collection center.

(e) Providing incentives for the establishment of privately operated public used oil collection centers.

(3) Eligible projects shall be funded according to provisions established by the department. However, in no case shall one grant exceed \$25,000.

(4) The department shall initiate rules on or before January 1, 1989, necessary to carry out the purposes of this section.

History.--s. 35, ch. 88-130.

403.767 Certification of used oil transporters.--

(1) Any person who transports over public highways more than 500 gallons annually of used oil must be a certified transporter. This subsection does not apply to:

(a) Local governments or private solid waste haulers under contract to a local government that transport used oil collected from households to a public used oil collection center.

(b) Persons who transport less than 55 gallons of used oil at one time that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle.

(c) Persons who transport their own used oil, which is generated at their own noncontiguous facilities, to their own central collection facility for storage, processing, or energy recovery. However, such persons shall provide the same proof of liability insurance or other means of financial responsibility for liability which may be incurred in the transport of used oil as provided by certified transporters under subsection (3).

(2) The department shall develop a certification program for transporters of used oil and shall issue, deny, or revoke certifications authorizing the holder to transport used oil. Certification requirements shall help assure that a used oil transporter is familiar with appropriate rules and used oil management procedures.

(3) The department shall adopt rules governing certification, which shall include requirements for the following:

(a) Registration and annual reporting pursuant to s. 403.754.

(b) Evidence of familiarity with applicable state laws and rules governing used oil transportation.

(c) Proof of liability insurance or other means of financial responsibility for any liability which may be incurred in the transport of used oil.

History.--s. 36, ch. 88-130; s. 17, ch. 97-277; s. 30, ch. 2000-211.

403.769 Permits for used oil processing and rerefining facilities.--

(1) Each person who intends to operate, modify, or close a used oil processing facility shall obtain an operation or closure permit from the department prior to operating, modifying, or closing the facility.

(2) The department shall develop a permitting system for used oil processing facilities after reviewing and considering the applicability of the permit system for hazardous waste treatment, storage, or disposal facilities.

(3) Permits shall not be required under this section for the burning of used oil as a fuel, provided:

(a) A valid department air permit is in effect for the facility; and

(b) The facility burns used oil in accordance with applicable United States Environmental Protection Agency regulations, local government regulations, and the requirements of its department air permit.

(4) No permit is required under this section for the use of used oil for the beneficiation or flotation of phosphate rock, but may be subject to other applicable federal or state used oil rules.

History.--s. 37, ch. 88-130; s. 51, ch. 93-207; s. 31, ch. 2000-211.