

A Guide for Used Oil Transporter Training Programs

Introduction

An used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, must become certified pursuant to Rule 62-710.600, Florida Administrative Code (F.A.C.). This does not apply to facilities included in Rule 62-710.600(1)(a)&(b).

Following are excerpts from laws and rules pertaining to Used Oil Transporter Certification

◆ Florida Statutes:

403.767 Certification of used oil transporters

(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 the 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:

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

◆ Florida Administrative Code

62-710.600 Certification of Used Oil Transporters

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

(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 action 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.

This document is intended to be used as a guide for developing a Used Oil Training Program that will meet the requirements for certification as set forth in Rule 62-710.600 F.A.C.

A Brief Summary of the Rules and Regulations Applicable to a Used Oil Transporter Training Program

Note: The following summary is provided in an attempt to simplify some of the legal language found in the Laws, Rules and Regulations pertaining to the management of used oil in Florida. This summary is incomplete and not comprehensive. Only certain parts of the applicable citations are summarized here. This is not a substitute for and does not replace the actual language found in the Laws, Rules and Regulations cited. For copies of the original documents, please contact the Used Oil Coordinator, FDEP, 2600 Blair Stone Road, MS 4560, Tallahassee, FL, 32399-2400; or phone (850) 245-8755.

Both State and federal regulations apply to the management of used oil. The federal regulations are found in Chapter 40, Part 279 of the Code of Federal Regulations (CFR) (to view go to <http://www.gpoaccess.gov/cfr/index.html>). The State laws regarding used oil are found in Chapter 403.75 through 403.769 of the Florida Statutes (F.S.) (Florida Statutes can be found at <http://www.leg.state.fl.us/Statutes/index.cfm?Tab=statutes&submenu=1&CFID=56371064&CFTOKEN=21118445>). The specific management standards for used oil in Florida are found in Chapters 62-701 (Solid Waste Management Facilities) and 62-710 (Used Oil Management) of the Florida Administrative Code (F.A.C) (to view these rules go to http://www.dep.state.fl.us/waste/quick_topics/rules/default.htm).

A. Federal Rules (Code of Federal Regulations, C.F.R.)

1. **40 CFR, Part 279.40** This section (Subpart E) describes the used oil management standards which are applicable to used oil transporters (persons who transport used oil) and transfer facilities (facilities which store used oil for over 24 hours, but less than 35 days).
2. **40 CFR, Part 279.41** Transporters cannot process used oil.
3. **40 CFR, Part 279.42** Transporters must have an EPA identification number.
4. **40 CFR, Part 279.43** Transporters must deliver used oil to another transporter, processor or burner which has an EPA identification number. All discharges of used oil must be managed by taking immediate action to protect human health and the environment.
5. **40 CFR, Part 279.44** The transporter must use either product knowledge or testing to determine whether the halogen content of the used oil to be picked up is above or below 1,000 parts per million.
6. **40 CFR, Part 279.45** Used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) in addition to the requirements of this subpart..

Used oil must be stored at a transfer facility which has notified (has an EPA identification number) and has secondary containment. Used oil cannot be stored at a transfer facility for longer than 35 days. (40 CFR, Part 279.45(a))

Containers and aboveground tanks used to store used oil at transfer facilities must be labeled clearly with the words "Used Oil"(40 CFR, Part 279.45(g))

7. **40 CFR, Part 279.46** Transporters must keep records of all used oil accepted and delivered for three years. The records must include the name, address, EPA identification number and signature of the person who provided or accepted the used oil, the quantity of used oil handled and the date of delivery.

B. Florida Law (Florida Statutes, FS.)

1. **§403.121** DEP may recover damages for any injury to the air, waters, or property of the State. DEP may impose a \$10,000 penalty for each offense (**each day of violation is a separate offense**).
2. **§403.141** Anyone who pollutes may be held jointly and severally liable (anyone involved in the chain of custody, from the generator through the final destination can be held liable for the pollution).
3. **§403.161** It is a violation of state law to cause pollution, fail to comply with any laws or rules, make false statements regarding these laws and rules or fail to report discharges. There are three types of violations: a) anyone who willfully pollutes is guilty of a third degree felony, punishable by \$50,000 and/or 5 years imprisonment for each offense; b) anyone who pollutes, due to reckless indifference or gross careless disregard, is guilty of a second degree misdemeanor, punishable by \$5,000 and/or 60 days in jail for each offense; and c) anyone who fails to comply with any laws or rules is guilty of a first degree misdemeanor, punishable by \$10,000 and/or 60 months in jail.
4. **§403.708 (1)** No person shall deposit any solid waste in or on the land or waters located within the State. **(14)** No person shall dispose of used oil in landfills.
5. **§403.751** No person may manage used oil in any manner which endangers public health or welfare. No person may discharge used oil into any storm drain, sewer, septic tank or body of water. No person may mix used oil with solid waste that is to be disposed of in a landfill. No person may mix used oil with a hazardous substance. Used oil shall not be used for road oiling, dust control, weed abatement or other similar activities that have the potential to harm the environment.
6. **§403.754** Used oil transporters and transfer facilities must register annually, keep appropriate records and report to the Department
7. **§403.7545** Nothing shall prohibit the Department from regulating used oil as hazardous waste. (If violations occur, and the used oil portion of the mismanagement, spill, or contaminated site is considered a hazardous waste, fines are automatically \$50,000 per offense).
8. **§403.767** Anyone who transports more than 500 gallons of used oil over public highways must be certified by the Department. Certification includes demonstration of adequate training and insurance.

C. Department Rules (Florida Administrative Code, F.A.C.), found in:

62-701, F.A.C., Solid Waste Management Facilities/62-710, F.A.C., Used Oil Management

1. **62-701.200** Training should include definitions of **(85)** oily wastes and **(129)** used oil.
2. **62-701.300 (8b)** No person shall dispose of used oil in a landfill. **(11)** No person may commingle used oil with solid waste that is to be disposed of in a landfill.
3. **62-710.401 (4)(5)** Prohibitions: No person may mix or commingle used oil with hazardous substances (exception found in 40 C.F.R.279.10(b)(3)); used oil shall not be used for pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.
4. **62-710.500** Used oil transporters and transfer facilities must register with the Department.
5. **62-710.510** Used oil transporters must, on the appropriate forms, keep records (for three years) and provide an annual report to the Department. Any shipment of used oil which is refused pick-up due to

suspected mixing with hazardous waste (halogens above 1,000 parts per million) must be recorded; a copy of this record must be left with the generator.

6. **62-710.600** Used oil transporters who transport over 500 gallons per year over public highways must be Certified by the Department by showing evidence of adequate training and insurance.
7. **62-710.850** Persons involved in the management of used oil filters must comply with this section.
8. **62-710.901(2)** This Used Oil Record Keeping form, or another form with the same information, must be used and maintained on-site for three years.

SPILL AVOIDANCE AND EMERGENCY RESPONSE PROCEDURES FOR RELEASES OF USED OIL

Spill avoidance is best approached from a common sense viewpoint. Use your best judgment to determine the action to take. It is strongly recommended that all containers and tanks used to collect used oil be placed on a curbed, oil-impervious surface to contain any release of oil. **In the event of a release of oil (spill or leak) the owner or operator must do the following:**

1. Attempt to stop the source of the spill and begin initial containment procedures. The presence of an impervious liner beneath the collection/storage container may allow much of the spill to be contained and recovered. Containment may also be initiated using sorbent materials such as “kitty litter”, oil pads, or oil socks. If a small amount of oil should spill on the ground, the procedure which is usually advised is to remove the affected soil by shoveling it out into a container until no more oil is present. Check with your local landfill and ask if they will accept the material.

2. If the amount of oil spilled is more than 25 gallons, immediately contact the State Warning Point by phone at (850) 413-9911, or (800)320-0519.

3. Contact the DEP District Office nearest you and report the spill. The DEP would appreciate all spills be reported, even though the legal reportable quantity is 25 gallons. Ask the State Warning Point for technical assistance from the DEP representative if it is after normal business hours.

4. Technical guidelines will then be followed on a case-by-case basis during the cleanup.

Phone numbers for reporting spills are:

FEDERAL

National Response Center (24 hour) (800) 424-8802 or (202) 267-2675

U.S. Coast Guard check with the U.S. Coast Guard Office in your area

STATE

State Warning Point (24 hour) (850) 413-9911 or (800) 320-0519

REPORT THE FOLLOWING INFORMATION:

- 1.** Name, address and telephone number of person reporting.
- 2.** Exact location of the spill.
- 3.** Company name and location.
- 4.** Material spilled.
- 5.** Estimated quantity.
- 6.** Source of the spill.
- 7.** Cause of the spill.
- 8.** Name of body of water involved, or the body of water nearest the spill area.
- 9.** Action taken for containment and clean-up.

HALOGEN TESTING

1. Describe in detail the procedure to screen for halogens at each pick up location

2. Describe the instruments used

3. Describe how you calibrate your instruments and how often they are calibrated

4. Describe how you handle the loads testing in excess of 1000 ppm total halogens

5. Describe what kind of records do you keep for all loads tested

Used Oil Transporter Employee Training

Each new employee will be trained within (one week, 10 days, one month (state one)) of employment on federal and state rules governing used oil, spill control and halogen testing.

All employees will be trained (every 6 months, once a year (state one)) on federal and state rules governing used oil, spill control and halogen testing.

Records of the training with employee name, date of training, and signatures of the employee and trainer will be kept with the company records for a minimum of 3 years and will be available for inspection by the Department of Environmental Protection.