TO: Directors of District Management
District Waste Program Administrators

FROM: John M. Ruddell, Director
Division of Waste Management

DATE: June 18, 1998

SUBJECT: Used Oil Transfer Facilities Utilizing Rail Cars and Barges

Chapter 62-710, F.A.C., adopted EPA's used oil management standards in 40 CFR Part 279. Paragraph 279.45(d) (under Subpart E) states that "containers used to store used oil at transfer facilities must be equipped with a secondary containment system." A "container" is defined in Subsection 279.1 as "any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled." An issue has come up as to the logistics of requiring secondary containment under rail cars or "around" barges (non double-hull construction). The existing interpretations of the used oil management standards do not take into account the unique nature of temporarily storing, bulking, and shipping used oil in rail cars or barges or the additional precautions that are employed by the DOT and the Coast Guard regulations when so doing.

The management standards also allow the use of "equivalent secondary containment systems" as defined at 40 CFR 279.45(d)(1)(iii), but fail to define what this might include. The EPA has acknowledged that rail cars and barges were not considered when the used oil management standards were written and that they did not intend for these regulations to apply to rail cars and barges transporting used oil or storing used oil for less than 35 days. The EPA has been asked to clarify this issue through guidance or a revision to the regulations.

Until the EPA clarifies this issue or explains what an "equivalent secondary containment system" is, it is not appropriate to take formal enforcement

against facilities lacking complete secondary containment under rail cars or around barges collecting used oil. Until clarification is issued, DEP will accept, as secondary containment, spill pans placed beneath the rail car, centered under the dome or loading port, and spill pans or other spill control devices or equipment placed under valves and couplings on barges, when used oil is being transferred.

When inspecting facilities that utilize rail cars, it is appropriate to review their Spill Prevention, Control, and Countermeasures (SPCC) Plans or preparedness and prevention plans and ask the operators what safety precautions they take or Best Management Practices (BMPs) they use when used oil is loaded into or unloaded from rail cars or barges. Recommended precautions or BMPs include the following:

- The rail car or barge has a current DOT or Coast Guard certification/documentation that shows it has successfully passed the required inspections and is operating within its inspection interval (i.e., 49 CFR 180, Continuing Qualification and Maintenance of Packaging).
- Training has been provided (and documented) on loading and unloading procedures.
- The level of the rail car or barge contents are checked before loading to calculate the available capacity, always allowing adequate head space for expansion.
- For rail cars, the rail and ballast area are protected from used oil overfills by spill pans placed beneath the rail car, centered under the dome or loading port.
- The rail car or barge is always inspected for leaks, equipment problems, and unintentional releases prior to each loading and prior to shipment, but at a minimum of at least every 72 hours.
- An attendant is always present during loading/unloading operations.
- Used oil is top loaded when possible to minimize the possibility of a release during loading. Bottom valves should not be used during

loading operations since they may become obstructed, allowing for potential releases.

- When top loading, the hose is tied/secured to the opening and the lid/port is closed if possible on the hose for extra security.
- When loading or unloading from bottom or side valves, the hose-to-valve connections are checked and drip pans are placed under the connections.
- All pumping equipment is shut off before disconnecting transfer hoses.
- Spill response equipment is present on site during transfer operations (allowing it to be on the truck or kept on site).
- Rail cars and barges are protected to minimize the possibility of vandalism-caused releases by either fencing or cable seals on valves when the units are not attended.

This guidance is subject to change when the EPA makes a determination on the applicability of secondary containment for used oil transfer facilities utilizing rail cars or barges. Until that time, these BMPs should be considered when conducting inspections of used oil transfer facilities and reviewing permit applications for used oil processing facilities receiving used oil by rail cars or barges.

Note: if a used oil processor utilizes rail cars or barges for the actual processing of used oil, the Department will not issue a permit authorizing such processing unless full secondary containment is provided.

JMR/rcc