

Parker, Bill

From: Posner, Augusta
Sent: Monday, June 21, 2004 1:42 PM
To: Neves, Richard; Clarke, Raoul; Redig, Michael
Cc: Smith, Sheileen; Parker, Bill; Tam, Stanley
Subject: RE: Transporter and/or Transfer Facility

Based on the regulations cited, are both hazardous waste and used oil transfer facilities by definition transporters?

I say yes. Does everyone agree? Yes, I agree. This means that a person who operates a HW transfer facility must comply with regs for HW transporter; person who operates UO transfer facility must comply with regs for UO transporter.

Scenario 1: Slightly iffy, because it seems USF Recovery is running the transfer facility, while USF Transport is complying with transporter regs. It would be better practice if USF Transport got a separate ID number for each transfer facility. However, as Raoul noted, if all transfer facilities are also processors, and all UO taken to a particular transfer facility is processed at the co-located processing facility, then USF Recovery could drop the transfer fac notification. On the other hand, if USF Transport temporarily stores UO at a transfer facility, then takes it elsewhere for processing, then USF Transport should notify for those transfer facilities. I realize that both companies are owned by the same parent, but corporations will fight to keep their liabilities separate, so we can insist that they exercise responsibilities separately.

Scenario 2: We can register AIS as a UO transporter and transfer fac at property owned by SKI or anyone else. As noted, SKI's HW permit must reflect all activities that take place at the permitted facility. The area assigned the AIS UO ID number must be adequately described. I think the proposed UO tank is in the same secondary containment area with SKI's mineral spirits tank. We must make sure any issues about secondary containment are adequately addressed.

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-----Original Message-----

From: Neves, Richard
Sent: Monday, June 21, 2004 1:42 PM
To: Clarke, Raoul; Redig, Michael; Posner, Augusta
Cc: Smith, Sheileen
Subject: Transporter and/or Transfer Facility

As we are currently renewing used oil registrations and in light of the situation involving CSX T, Transflo, and Kinder Morgan in the NED, I want to make sure that we are correctly managing registrations of both used oil and hazardous waste transfer facilities.

It is my understanding since the discussion at the C&E Conference that for BOTH used oil and hazardous waste, a transfer facility IS also a transporter.

For hazardous waste, this is in accordance with:

40 CFR 260.10(a): "Transfer facility means any transportation related facility ... where shipments of hazardous waste are held during the normal course of transportation."

62-730.171(1): "transporters who store manifested hazardous waste... at a transfer facility for ten (10) days or less

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are exempt from regulation as a hazardous waste facility."

EPA Faxback 11953: "By definition, transfer facilities described in 40 CFR Section 263.12 must be owned or operated by transporter companies."

For used oil, this is in accordance with:

40 CFR 279.1: "Used oil transporter means any person who transports used oil... and owners and operators of used oil transfer facilities."

Based on the regulations cited, are both hazardous waste and used oil transfer facilities by definition transporters?

I say yes. Does everyone agree?

If so, then how do we manage the following:

U.S. Filter Recovery has 5 transfer facility and processing sites registered for used oil, all of which use FL EPA numbers and, on their certificates, generated out of this office, we list the activities as used oil transfer facility, processor and marketer, filter transfer facility and filter processor. U. S. Filter Transport (a sister company), out of Indiana, is registered as a used oil transporter using their Indiana EPA number. Is this acceptable?

Atlantic Industrial Services (AIS) has applied to register as a used oil transporter and transfer facility at a site owned by Safety Kleen (SK). AIS has an agreement to lease a storage tank from SK. AIS is applying for an EPA ID number using 8755 "A" NW 95th to distinguish it from SK. Is this acceptable?

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Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

