

MEMORANDUM

TO: Used Oil Processing Facilities
 PCW Recovery Facilities
 Interested Parties

FROM: Raoul Clarke, Administrator
 Hazardous Waste Management Section

DATE: February 24, 1997

SUBJECT: Rule Interpretations

Attached is a recent letter from the Department explaining several used oil and petroleum contact waste (PCW) rule interpretations relating to used oil processing and PCW recovery facilities. This letter is being sent to you in an effort to keep our channels of communication open and information exchanged.

RC/rc

attachment

cc: District Waste Program Administrators
 Chris McGuire
 Diana Davis
 Satish Kastury
 Rick Neves
 Joan Flint

February 20, 1997

Mr. Charles Dudley, Vice President
Industrial Water Services, Inc.
Post Office Box 43369
Jacksonville, Florida 32203

Re: Interpretation of Used Oil and PCW Regulations

Dear Mr. Dudley:

This letter is in response to questions raised by Industrial Water Services, Inc. (IWS) during a November 5, 1996 meeting between IWS and the Northeast District Office of the Department of Environmental Protection. You requested an interpretation of several rules pertaining to the regulation of used oil processing facilities and petroleum contact water (PCW) recovery facilities. We have reviewed the issues IWS presented on November 5, 1996 and stated them as questions with our response to each.

Q. 1: Which management units are subject to used oil regulations?

A. 1: All containers and tanks that are used for the storage or processing of used oil or wastewater containing used oil are subject to the used oil regulations under Chapter 62-710, F.A.C. (which adopted by reference 40 CFR Part 279). This includes receiving tanks, oil-water separators and any other management units used, even for a very short (temporary) time, to manage (store, treat, or process) used oil or oily wastewater. 40 CFR 279.54(a) explains which units are subject to the used oil regulations, and 40 CFR 279.54(c)(d) and (e) explain which units are subject to the secondary containment requirements. Specifically, all drip pans and other ancillary equipment are considered part of the tank systems and are subject to the used oil regulations. However, the Department agrees that tanks and containers which are used only for the management of the water portion of the wastewater, after removal of used oil, are not subject to the used oil regulations, but these tanks and the final wastewater processes leading to final discharge to the POTW should be explained or outlined in the used oil processing facility application.

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Q. 2: What is the applicability of the State's aboveground tank rules to used oil storage and processing tanks. Specifically, when do all the used oil tanks have to meet the applicable requirements of Chapter 62-762, F.A.C.?

A. 2: Rule 62-710.800(3), F.A.C., states that all the aboveground tanks, having a capacity of greater than 550 gallons, and all integral piping shall comply with the performance standards of Chapter 62-762.500, .510 and .520, F.A.C., by December 31, 1997. It should be noted that all containers and tanks used to manage used oil have been subject to the secondary containment requirements under 40 CFR 279.54(c), (d) and (e) since June 8, 1995. A copy of Chapter 62-710, F.A.C. (effective 12/23/96), is enclosed for your information.

Q. 3: Which management units within the entire IWS facility are subject to the used oil closure plan requirements?

A. 3: All management units including receiving tanks, oil-water separators, containers, storage and processing tanks, piping systems, drip pans and other ancillary equipment that are used for storage or processing of used oil (including wastewater containing used oil) and their secondary containment systems are subject to used oil closure requirements. This includes receiving tanks, oil-water separators and any other management units used, even for a very short (temporary) time, to manage (store, treat, or process) used oil or oily wastewater. The requirements of a closure plan are listed in Rule 62-710.800(9), F.A.C., and 40 CFR 279.54(h).

Q. 4: Which management units are subject to petroleum contact water (PCW) regulations?

A. 4: All containers and tanks that are used for the storage or processing of PCW are subject to the PCW regulations under Chapter 62-740, F.A.C. This includes receiving tanks, oil-water separators and any other management units used, even for a very short (temporary) time, to manage (store, treat, or process) PCW. Tanks and containers which are used only for the management of the water portion of the PCW, after recovery of product, are not subject to the PCW regulations, but these tanks and the final wastewater processes leading to final discharge to the POTW should be explained or outlined in the facility's operational plan.

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Q. 5: Rule 62-740.300(1)(c), F.A.C., states that a permitted used oil processing facility can operate as a PCW recovery facility and is not required to obtain a hazardous waste facility operating permit. In the case of a permitted used oil processing facility operating as a PCW recovery facility, are the PCW management units considered part of and regulated under the used oil processing facility permit?

A. 5: Yes. All PCW management units are considered part of and regulated under the used oil processing facility permit. Therefore, all PCW management units have to comply with the requirements of both the PCW and the used oil management regulations. It should be noted that all aboveground PCW storage tanks over 550 gallons are subject to Chapter 62-762, F.A.C., in its entirety. It should also be noted that all aboveground PCW storage tanks over 550 gallons must meet the same requirements as do used oil storage tanks. That is, they must meet the performance standards of Chapter 62-762 by December 31, 1997, and should currently be meeting the secondary containment requirements of 40 CFR 279.54(c), (d) and (e).

Q. 6: How much used oil may a wastewater contain before it is regulated as "used oil"?

A. 6: The Department will not specify a numerical limit for distinguishing wastewater from used oil. The Department's interpretation and guidance is that if the material displays a visible sheen then it meets the definition of used oil and should be managed as such. There are several instances where the detection of a visible sheen has been used to establish that petroleum products are present, the latest being in the PCW rule at 62-740.030(1)(a)3. Likewise, any material received by IWS that is designated by the generator as used oil on the manifest or shipping paper must be managed as used oil. This same interpretation applies to PCW. It is the generator's responsibility to make the determination of what type of material is being shipped to IWS. IWS can, of course, assist the generator in making this determination. Note that if IWS receives a shipment of material not designated as used oil or PCW by the generator and IWS tests this material and it fails for TCLP-Benzene (or any other characteristic) then this material would be classified as a hazardous waste and must be managed accordingly.

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If you have any questions regarding this letter or rule interpretations, please contact Chris McGuire at (904) 291-9627, Diana Davis at (904) 921-9630, Raoul Clarke at (904) 921-9216, or Ashwin Patel at (904) 448-4320 ext. 378.

Sincerely.

Chris McGuire
Senior Attorney
Office of General Council

Raoul Clarke
Environmental Administrator
Hazardous Waste Management Section

CM:RC/apc

Enclosure

cc: Ernest E. Frey
Bill Hinkley
Satish Kastury
Diana Davis
Waste Program Administrators