

## Knauss, Elizabeth

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**From:** Knauss, Elizabeth  
**Sent:** Thursday, September 01, 2016 11:53 AM  
**To:** 'info@pinnaclefuel.com'; 'gallating@aol.com'  
**Cc:** 'Noble, Ron'  
**Subject:** Used Oil Shipment  
**Attachments:** 8-05-16 hms- ny-17684 NY terminal discharge08052016

Dear Sirs:

On or about July 4, 2016 the tanker barge HMS 2607 operated by Harley Marine New York (EPA ID # NYR000207274) was transferred a load of used oil fuel described as cutter stock from Diversified Environmental Services, facility EPA ID # FLD984183566. Harley Marine provided the attached record and stated that the oil was transferred from their custody at New York Terminal in New Jersey. The document indicates that the oil is owned by Pinnacle Fuel. At this time, it does not appear that the oil has been tested to determine whether or not it meets the used oil fuel specification for arsenic, cadmium, chromium, lead or total halogens in accordance with 40 CFR 279.11.

Florida is a state authorized to administer the Resource Conservation and Recovery Act, and has adopted the federal used oil regulations under 40 CFR Part 279 by reference. Pursuant to these regulations, I am requesting information on the transfer of custody of the oil from Harley Marine, to the next transporter(s), storage facility and/or or processing facilities. Harley Marine was not able to provide me with the name or EPA identification number of the facility that received the oil for further transport, storage or processing after it was unloaded at the terminal. Therefore, we are requesting Pinnacle to provide us with the current location of the material, including the EPA Identification number of the storage or processing facility.

If Pinnacle no longer owns the material, please provide me with either the records showing that it was transferred to an authorized facility in accordance with 40 CFR 279.46(b) or records that support of a claim that the oil meets the used oil fuel specification in accordance with 40 CFR 279.74(b). Extracts of the rules are provided below for your convenience. If you wish to discuss this further, I will be back in the office by next Tuesday, September 6, 2016.

### §279.46 Tracking.

(b) *Deliveries.* Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include:

- (1) The name and address of the receiving facility or transporter;
- (2) The EPA identification number of the receiving facility or transporter;
- (3) The quantity of used oil delivered;
- (4) The date of delivery;
- (5)(i) Except as provided in paragraph (b)(5)(ii) of this section, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter
- (ii) Intermediate rail transporters are not required to sign the record of delivery.

### §279.74 Tracking.

(b) *On-specification used oil delivery.* A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under §279.11 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:

- (1) The name and address of the facility receiving the shipment;
- (2) The quantity of used oil fuel delivered;
- (3) The date of shipment or delivery; and
- (4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under §279.72(a).

**§279.11 Used oil specifications.**

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this part unless it is shown not to exceed any of the allowable levels of the constituents and properties shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any allowable level and the person making that showing complies with §§279.72, 279.73, and 279.74(b), the used oil is no longer subject to this part.

**Table 1— USED OIL NOT EXCEEDING ANY ALLOWABLE LEVEL SHOWN BELOW IS NOT SUBJECT TO THIS PART WHEN BURNED FOR ENERGY RECOVERY<sup>1</sup>**

<b>Constituent/property</b>	<b>Allowable level</b>
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum. <sup>2</sup>

Thank you,

Elizabeth Knauss  
 Environmental Specialist  
 Southwest District  
 Florida Department of Environmental Protection  
 813/470-5902