

# USED OIL TRANSPORTER CERTIFICATION & TRAINING

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# 40 CFR 279.40 Applicability

- **(a) General.** Used Oil Transporters are persons who transport used oil, persons who collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities
  - (1) Does not apply to on-site transportation**
  - (2) Does not apply to generators who transport 55 gallons or less of Used Oil from the generator to a collection center**
  - (3) Does not apply to generators who transport shipments of used oil totaling 55 gallons or less from the generator to a Used Oil aggregation point owned or operated by the same generator as specified in 279.24(b)**



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# 40 CFR 279.40 Applicability (Continued)

- **(4) Does not apply to transporters of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/refiner, or burner subject to the requirements of this part. However, this subpart does apply to transportation except (a) (1) through (a) (3).  
(b) *Imports Exports.* Transporters are subject to the requirements of this subpart from the time the used oil enters the U.S. until it exits  
(c) Trucks used to transport hazardous waste prior to transporting used oil must be emptied as described in 261.7**



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# 40 CFR 279.40 Applicability (Continued)

- (d) Other applicable provisions.
  - (1) Transporters who generate used oil must comply with subpart c of this part
  - (2) Transporters who process or re-fine used oil except as provided in 279.41 must also comply with subpart F of this part
  - (3) Transporters who burn off-specification used oil for energy recovery must also comply with subpart G of this part
  - (4) Transporters who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specs in 279.11 must comply with subpart H
  - (5) Transporters who dispose of used oil including the use of used oil as a dust suppressant, must also comply with subpart I of this part



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# **40 CFR 279.41 Restriction on Transporters who are not also Processors or Re-refiners**

- **(a) Transporters may consolidate or aggregate loads of used oil for purposes of transportation but are not allowed to process used oil except as occurs during normal transportation (example: settling and water separation) unless comply with processor/re-refiner requirements in subpart F of this part**  
**(b) Transporters may conduct incidental processing operations that occur in the normal course of transportation such as settling and water separation but that are not designed to produce or make amenable for production of) used oil derived products unless processor or re-refiner requirements are met**



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# 40 CFR 279.41 Restriction on Transporters who are not also Processors or Re-refiners

- **(Continued)- (c) Transporters of used oil that is removed from oil bearing electrical transformers and turbines and filtered by the transporter or at a transfer facility prior to being returned to its original use are not subject to the processor/re-refiner requirements in subpart F of this part**



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# 40 CFR 279.43 Used Oil Transportation

- (a) ***Deliveries.*** A used oil transporter must deliver all used oil received to:
  - (1) Another used oil transporter, provided that the transporter has obtained an EPA ID number
  - (2) A used oil processing/re-refining facility who has obtained an EPA ID number
  - (3) An off-specification used oil burner facility who has obtained an EPA ID number
  - (4) An on-specification used oil burner facility



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# 40 CFR 279.43 Used Oil Transportation (Continued)

- **(c) *Used oil discharges.***

**(1) In the event of a discharge of used oil during transportation the transporter must take immediate action to protect human health and the environment(example: notify local authorities, dike the discharge area)**

**(2) If a discharge occurs during transportation officials of the local, state and federal agencies have the authority to have used oil transported by a transporter who does not have a EPA ID number in order to protect persons and the environment.**



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# 40 CFR 279.43 Used Oil Transportation (Continued)

- **(3) An air, rail, highway, or water transporter who has discharged used oil must:**
  - (i) Give notice to the National Response Center**
  - (ii) Report in writing as required by 49 CFR 171.16 to the director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation.**
- (4) A water transporter who has discharged used oil must give notice as required by 33 CFR 153.203**
- (5) A transporter must clean up any used oil discharge that occurs during transportation**



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# Spill Response and Notification

- All spills are to be reported to the Dupre 24 Hour Emergency Hotline @ 1- 800-256-4832 .
- Safety will advise as to which outside contractor is to be called in for clean up. Ref: Emergency Response Plan Pgs 2-7 for direction on how to handle.
- For spills greater than 25 gallons, immediately contact to the Florida State Warning Point
- Federal
  - National Response Center (24 hr) 800-424-8802 or 202-267-2675
- State
  - Florida State Warning Point (24 hr) 850-413-9911 or 800-320-0519



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- **Report the following information**
  - **Name, address and phone # of person reporting**
  - **Exact location of spill**
  - **Company Name and location**
  - **Material spilled**
  - **Est. quantity**
  - **Source of the spill**
  - **Cause of spill**
  - **Name of body of water involved, or the body of water nearest the spill area**
  - **Action taken for containment and clean-up**



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities

- **(a) *Applicability.*** Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation but not longer than 35 days
- **(b) *Storage units.*** Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulations under parts 264 or 265 of this chapter



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# 40 CFR 279.44

- To ensure that Used Oil is not a hazardous waste under the rebuttable presumption of 279.10(b)(1)(ii), the Used Oil transporter must determine whether the total halogen content of Used Oil being transported or stored at a transfer facility is above or below 1,000 ppm.
- The transporter must make this determination by:
  - Testing the Used Oil, or
  - Applying knowledge of the halogen content of the Used Oil in light of the materials or processes used.
  - In the case of Dupre the shipper will determine the Halogen content and any specific handling precautions.



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# Halogen Screening

- In the case of Dupre, the shipper will use applied knowledge through its hazardous waste profiling process for halogen screening.
- All new waste streams are profiled to classify the used oil as on-specification, off-specification or hazardous waste by process knowledge of the generator.
- In the case of Dupre the Shipper facilities only pick up used oil in drums and do not mix the oil with oil from other generators. Drums are tested by the waste oil processor or TSDF to insure shipment meets accepted profile.



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# Halogen Screening

- In the case of Dupre, the shipper will be notified of any shipment from its customers that does not meet the required specification by the customer. The shipper of the product will then notify the customer and make arrangements for the shipment to be disposed of as hazardous waste through a regulated facility per RCRA regulations.



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities (Continued)

- **(c) *Conditions of units.*** Containers and aboveground tanks used to store used oil at transfer facilities must be:
  - (1) In good condition (no severe rusting, apparent structural defects or deterioration): and**
  - (2) Not leaking( no visible leaks)**



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities (Continued)

- **(d) *Secondary containment of containers.*** Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

**(1) The secondary containment system at a minimum must consist of:**

**(i) Dikes, Berms or retaining walls; and**

**(ii) A floor-The floor must cover the entire area within the dikes, berms or retaining wall; or**

**(iii) an equivalent secondary containment system.**



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities (Continued)

- (2) The entire containment system, including walls and floors must be sufficiently impervious to used oil to prevent any used oil to be released from the containment system to the the environment
  - (e) *Secondary containment system for existing above ground tanks.* Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system
    - (1) The secondary containment system must consist of, at a minimum:
      - (i) Dikes, Berms or retaining walls; and
      - (ii) A Floor-The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities (Continued)

- (iii) An equivalent secondary containment system
  - (2) The entire containment system, including wall and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system into the environment
  - (f) *Secondary containment for new above ground tanks* used to store used oil at transfer facilities must be equipped with a secondary containment system.
    - (1) Secondary containment system must consist of, a minimum:
      - (i) Dikes, Berms or retaining walls; and
      - (ii) A floor-The floor must cover the entire area within the dike, berm, or retaining wall; or
      - (iii) An equivalent secondary containment system



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities (Continued)

- (2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released to the containment from migrating out of the system to the environment  
(g) *Labels.*
- (1) Containers and above ground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words “USED OIL”
- (2) Fill pipes used to transfer used oil into underground tanks at transfer facilities must be labeled or marked clearly with the word “USED OIL”



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# 40 CFR 279.45 Used Oil Storage at Transfer Facilities (Continued)

- **(h) *Responses to releases.*** Upon detection of a release of used oil to the environment that is not subject to the requirement of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:
  - (1) Stop the release;**
  - (2) Contain the release;**
  - (3) Clean up manage properly the released used oil and other materials; and**
  - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service**



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# 40 CFR 279.46 Tracking

- **(a) *Acceptance.*** Used oil transporters must keep a record of each used oil shipment accepted for transport. Records of each shipment must include:
  - (1)** The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport
  - (2)** The EPA identification number (if applicable) of the generator, transporter or processor re-refiner who provided the used oil for transport;
  - (3)** The quantity of used oil excepted
  - (4)** The date of acceptance; and
  - (5) (i)** Except for rail transporters, the signature, dated upon receipt of the used oil, of a representative of a receiving facility or transporter



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# 40 CFR 279.46 Tracking

- **(c) *Exports of used oil.*** Used oil transporters must maintain the records described in paragraphs (b) (1) through (b) (4) of this section for each shipment of used oil exported to any foreign country
- **(d) *Record retention.*** The records described in paragraphs (a), (b) and (c) of this section must be maintained for at least three years



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# (403.121 F.S.) ENFORCEMENT; PROCEDURES; REMEDIES

- 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**).



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# Civil Liability; joint and several liability (403.141 F.S.)

- **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).**



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# PROHIBITIONS, VIOLATIONS, PENALTY, INTENT (403.161 F.S.)

- 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.



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## **(403.708 F.S.) Prohibition; penalty**

- **(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.**



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# **(403.751 F.S.) Prohibited actions; authorized uses of oils**

- 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.



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## **(403.754 F.S.) Registration, fees, reports and records**

- Used oil transporters and transfer facilities must register annually, keep appropriate records and report to the Department
- Records to be maintained: Source of material, quantity received, date of receipt, and destination and end use of materials
- Annual report due 3/1 of each year



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# **(403.7545 F.S.) Regulations Used oil/Haz waste**

- 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).



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# **(403.767 F.S.) Certification of used oil transporters**

- Anyone who transports more than 500 gallons of used oil over public highways must be certified by the Department.
- Requires : registration, proof of familiarity with state laws governing Used Oil transportation, proof of liability insurance.



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# (62-710.201 F.A.C.) Definitions

- **62-710.201 Definitions**

- (1) “Oily wastes” means those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludge, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil.
- (5) “Used oil” means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.
- (7) “Used oil filter” means any device which is an integral part of an oil flow system, the primary purpose of which is to remove contaminants from the flowing oil contained within the system and which, as a result of use, has become contaminated and unsuitable for its original purpose, is removed from service, and contains entrapped used oil.



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# (62-701.401F.A.C.) Prohibitions

- (1) No person may collect, transport, store, recycle, use, or dispose of used oil, used oil filters or oily wastes except as authorized in this chapter or in Chapter 403, F.S.
- (2) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters.
- (3) Except as provided herein, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.
- (a) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain spills or releases of used oil, and soils contaminated with used oil as a result of spills or releases are not subject to this prohibition. In some cases, other Department rules, local ordinances, or landfill policies may prohibit the disposal of such materials.



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## (62-701.401F.A.C.) Prohibitions (cont.)

- (4) Notwithstanding the provisions found in 40 C.F.R. 279.10(b)(3), no person may mix or commingle used oil with hazardous substances that make it unsuitable for recycling or beneficial use.
- (5) Used oil shall not be used for road or pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.



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## 62-701.401F.A.C.) Prohibitions (cont.)

- (6) No person may store used oil in tanks or containers unless they are clearly labeled with the words “used oil” and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area.



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# (62.710.901 F.A.C.) Forms

- (2) Used Oil and Used Oil Filter record keeping Form as of 06/09/05
- (3) Annual Report by Used Oil and Used Oil Filter Handlers
- (4) Certificate of liability Insurance Used Oil Transporters



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# **(62.710.500 F.A.C.)**

## **Registration/Notification**

- (1) Annual Registration for used Oil Handling activities:  
(a) through (d)
- (2) Registration Form and \$100.00 Fee per facility annually by March 1 of each year
- (3) Annual department issued validated registration form good for 1 year
- (4) Display of registration in prominent place for each facility
- Transporters need 1 registration per fleet
- Public used oil collection facility 30 day notification



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# **(62.710.510 F.A.C.) Record Keeping/Reporting**

- (1) Registered persons maintain records (DEP form 62-710.901(2) or substantially equivalent form) and record the source, quantity received, type used oil, date received, destination/end use, and documentation of halogen screening.
- (2) Transporters are required to maintain documentation of all shipments of used oil, including those accepted for transport as well as those refused due to suspect mixing of hazardous waste.



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# **(62.710.510 F.A.C.) Record Keeping/Reporting (Cont)**

- **(4) Record retention requirement : 3 years, maintained at the street address of the registered person and available to the Department upon inspection**
- **(5) Annual Report due 3/1/ of each year per (62-710.500 F.A.C.) on form (62-710.901(3))**
- **(6) No later than 7/1 of each year each public used oil collection center shall submit to the department the quantity of used oil accepted during the previous year.**



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# **(62.710.600 F.A.C.) Certification of Used Oil Transporters**

- **(1) Persons Transporting on public highways more than 500 gals of used oil must be a certified used oil transporter, except:**
  - **(a) Local governments or private solid waste haulers under contract to a local government transporting household oil to a public used oil collection facility**
  - **(b) Persons transporting less than 55 gallons at one time in a tightly closed container**
- **(2) To become certified, used oil transporters shall:**
  - **(a) register annually and comply with the annual reporting and record keeping requirements**
  - **(b) Submit training program to show evidence of familiarity of applicable state laws and rules for used oil by complying with the following:**



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# **(62.710.600 F.A.C.) Certification of Used Oil Transporters (cont)**

- **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 the new employee to the applicable laws and rules before unsupervised driving of a used oil transportation vehicle**
- **5. Verification that the company personnel handling or transporting used oil have successfully completed the training program, new employees with in 90 days of hire**



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## **(62.710.600 F.A.C.) Certification of Used Oil Transporters (cont)**

- **(c) maintain a record of training; type training, date and signature of persons providing and receiving training.**
- **(d) Annual statement in conjunction with the annual registration stating the training program is still being operated, is being adhered to and annually reviewed and updated to address changes in the regulations.**
- **(e) Demonstrate and annually verify proof of insurance**



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# **(62.710.600 F.A.C.) Certification of Used Oil Transporters (cont)**

- **(3) Receipt by transporter of registration which is valid for the current registration period**
- **(4) Transporter certification subject to denied, suspended or revoked upon finding the transporter:**
  - **(a) submitted false or inaccurate information in it application**
  - **(b) Violated statutes**
  - **(c) Failed to submit reports or other information required**
  - **(d) Refused to allow inspection**



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# **(62.710.850 F.A.C.) Management of Used Oil Filters**

- **(1) Prohibition. Other than individual household waste no oil filters can be disposed of in a landfill**
- **(2) Definitions as used in this section: review definitions (a) through (d)**
- **(3) Generators of used oil filters shall either register as a used oil filter processor or shall insure its filters are processed by a registered used oil filter processor (does not include engine block recycle locations which used oil filters remain on the block)**
- **(4) Required to register: (a) transporters, (b) transfer facilities, (c) processors, (d) end users**



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# **(62.710.850 F.A.C.) Management of Used Oil Filters (cont)**

- **(5) Used Oil Filter Processors:**
  - **(a) Maintain records on form 62-710.900**
  - **(b) Records must be retained for 3 years and available at the facility to the department upon inspection**
  - **(c) Submit annual report 3/1/**
- **(6) General Requirements for storage of used oil filters**
  - **(a) Above ground containers to be in good condition, sealed and clearly labeled (Used Oil Filters), stored on oil-impermeable surface**
  - **(b) Upon detection of a release of oil from any container the operator shall: Stop the leak, contain the release of oil, clean up properly and manage the release and oily waste, repair or replace any leaking container**



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# Employee Training

- Each new employee will be trained within 90 days of employment on federal and state rules governing used oil, spill control and halogen testing.
- All employees will be trained once a year on federal and state rules governing used oil, spill control and halogen testing.
- Records of the training per 62.710.600(c) will be kept with the company records for a minimum of 3 years and will be available for inspection by the DEP.



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# Revisions

- Initial Program Date: 10-15-12 By : Al LaCombe
- Reason: To meet Florida Used Oil Regulations

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- Revision #1 Date: \_\_\_\_\_ By: \_\_\_\_\_
- Reason: \_\_\_\_\_



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This is to certify that I have completed the training items listed below concerning used oil, transportation, storage and handling;

1. Federal Rules 40 CFR 279 (used oil transportation).
2. Florida Statutes 403 F.S. (pollution and used oil management relevant to used oil transportation).
3. Florida Administrative Code 62-701 F.A.C.(solid waste management facilities) and 62-710 F.A.C.(Used Oil Management).
4. Reviewed Dupre. (Spill Response and Emergency Contingency Plan)

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Trainer

\_\_\_\_\_  
Date



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I verify that personnel handling or transporting used oil have successfully completed the training program within 90 days after beginning employment. This document shall be maintained in the individual personnel files at the corporate office, be available for review by Department personnel during any inspection, and include a record indicating:

- the type of training provided, and
- the dated signatures of those receiving and providing the training

A statement shall be filed annually with the Department as part of the 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 which provides an explanation of any modifications to the training program.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Trainer

\_\_\_\_\_  
Date



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## Used Oil Transporter Training Test

1. Part 40 CFR 279.43 regulates used oil transporters and determines who is covered by the regulations?

True / False

2. Dupre Logistics has a specific policy that requires that a product release of any amount must be reported to the safety hotline 24 hours a day?

True / False

3. Halogen screening will be done by the driver at the time of picking up a loaded trailer?

True / False

4. Part 40 CFR 279.45 of the regulations covers secondary containment for existing above ground tanks?

True / False

5. Part 40 CFR 279.45 section (h) covers loading used oil?

True / False

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6. Part 40 CFR 279.46 Tracking requires that the transporter maintains records for 3 years on each shipment?

True / False

7. Section 403.754 F.S. in the regulations requires annual registration for used oil transporter?

True / False

8. Regulation 62.710.901 F.A.C. Forms requires that annual reporting be completed to the state of all used oil shipments?

True / False

9. Regulation 62.701.600 F.A.C. in the regulations requires no record of training to be kept on file by the transporter?

True / False

10. Each employee associated with used oil transporter requirements must be trained within 90 days of employment and annually thereafter?

True / False

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