

## Pedigo, Leslie

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**From:** Loren@januaryservices.com  
**Sent:** Tuesday, December 05, 2017 9:27 AM  
**To:** Pedigo, Leslie  
**Cc:** Knauss, Elizabeth; Kennedy, Shannon  
**Subject:** RE: January Environmental - FLD982162943  
**Attachments:** Training Manual 12052017.pdf; Training Manual 12052017\_0001.pdf; Training Manual 12052017\_0002.pdf; Training Manual 12052017\_0003.pdf; Training Manual 12052017\_0004.pdf; Training Manual 12052017\_0005.pdf; Training Manual 12052017\_0006.pdf; Used\_Oil\_2013.pdf

We also go over the SPCC plan with the drivers.

### Loren Dorwart

(863) 534-8478 Office  
(800) 687-1722 E-Fax

[Loren@januaryservices.com](mailto:Loren@januaryservices.com)

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

Subject: RE: January Environmental - FLD982162943  
From: "Pedigo, Leslie" <[Leslie.Pedigo@dep.state.fl.us](mailto:Leslie.Pedigo@dep.state.fl.us)>  
Date: Tue, November 21, 2017 3:09 pm  
To: "[Loren@januaryservices.com](mailto:Loren@januaryservices.com)" <[Loren@januaryservices.com](mailto:Loren@januaryservices.com)>  
Cc: "Knauss, Elizabeth" <[Elizabeth.Knauss@dep.state.fl.us](mailto:Elizabeth.Knauss@dep.state.fl.us)>, "Kennedy, Shannon" <[Shannon.Kennedy@dep.state.fl.us](mailto:Shannon.Kennedy@dep.state.fl.us)>

Loren,

Thank you for providing the receipts for the sludge which was pumped out Tanker T-43 dated August 6, 2017 and August 8, 2017. I will now route the Short From Consent Order for signature. The document will be emailed to Cris January as discussed in our meeting, you are copied. You should receive the document within the next few business days.

Please note that we still have not received a copy of the training materials used to train your drivers as requested in the Department's November 15, 2017 email below. Please provide this document by December 1, 2017.

Please let me know if you have any questions.

Sincerely,



Leslie Pedigo  
Environmental Specialist III  
Compliance Assurance Program  
Florida Department of Environmental  
Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
(813) 470-5870

**From:** [Loren@januaryservices.com](mailto:Loren@januaryservices.com) [<mailto:Loren@januaryservices.com>]  
**Sent:** Friday, November 17, 2017 2:14 PM  
**To:** Pedigo, Leslie <[Leslie.Pedigo@dep.state.fl.us](mailto:Leslie.Pedigo@dep.state.fl.us)>  
**Cc:** Knauss, Elizabeth <[Elizabeth.Knauss@dep.state.fl.us](mailto:Elizabeth.Knauss@dep.state.fl.us)>; Kennedy, Shannon  
<[Shannon.Kennedy@dep.state.fl.us](mailto:Shannon.Kennedy@dep.state.fl.us)>  
**Subject:** RE: January Environmental - FLD982162943

**Loren Dorwart**

(863) 534-8478 Office  
(800) 687-1722 E-Fax

[Loren@januaryservices.com](mailto:Loren@januaryservices.com)

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

Subject: January Environmental - FLD982162943  
From: "Pedigo, Leslie" <[Leslie.Pedigo@dep.state.fl.us](mailto:Leslie.Pedigo@dep.state.fl.us)>  
Date: Wed, November 15, 2017 5:07 pm  
To: "[Loren@januaryservices.com](mailto:Loren@januaryservices.com)" <[Loren@januaryservices.com](mailto:Loren@januaryservices.com)>  
Cc: "Knauss, Elizabeth" <[Elizabeth.Knauss@dep.state.fl.us](mailto:Elizabeth.Knauss@dep.state.fl.us)>, "Kennedy, Shannon" <[Shannon.Kennedy@dep.state.fl.us](mailto:Shannon.Kennedy@dep.state.fl.us)>

Loren,

The Department is ready to settle this case with a Short Form Consent Order, with a penalty of \$6,500.00 and \$250.00 cost and expenses (total of \$6,750.00) as discussed in the enforcement meeting held on October 27, 2017. Prior to issuing the Short Form Consent Order, need the following documents:

1. A copy of the receipt for the sludge which was pumped out Tanker T-43 following our inspection May 2017.
2. A copy of the training materials used to train your drivers. We looked at the documents submitted with the permit and the training materials were not provided as part of the permit.

Please provide these documents by Friday, November 17, 2017.

If you have any questions, please let me know!

Sincerely,



Leslie Pedigo  
Environmental Specialist III  
Compliance Assurance Program  
Florida Department of Environmental  
Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
(813) 470-5870







## **A Guide for Used Oil Transporter Training Programs**

### **Introduction**

An used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, must become certified pursuant to Rule 62-710.600, Florida Administrative Code (F.A.C.). This does not apply to facilities included in Rule 62-710.600(1)(a)&(b).

Following are excerpts from laws and rules pertaining to Used Oil Transporter Certification

#### **◆ Florida Statutes:**

##### **403.767 Certification of used oil transporters**

(2) The Department shall develop a certification program for transporters of used oil and shall issue, deny, or revoke certifications authorizing the holder to transport used oil. Certification requirements shall help assure that the used oil transporter is familiar with appropriate rules and used oil management procedures.

(3) The Department shall adopt rules governing certification, which shall include requirements for the following:

(b) Evidence of familiarity with applicable state laws and rules governing used oil transportation.

#### **◆ Florida Administrative Code**

##### **62-710.600 Certification of Used Oil Transporters**

(2) To become certified and to maintain certification, used oil transporters shall:

(b) Show evidence of familiarity with applicable state laws and rules governing used oil transportation by submitting a training program for approval to the Department which includes provisions for at least the following:

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 each new employee to the applicable laws and rules before unsupervised driving of a used oil transportation vehicle; and
  5. Documentation that all company personnel handling or transporting used oil have successfully completed the training program. New employees shall complete the training program as soon as possible, but no later than 90 days after beginning employment;
- (c) Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections;
- (d) Submit to the Department an annual statement in conjunction with the annual 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 has been annually reviewed and updated to address changes in regulations which apply to the operation, and which provides an explanation of any modifications to the training program.

This document is intended to be used as a guide for developing a Used Oil Training Program that will meet the requirements for certification as set forth in Rule 62-710.600 F.A.C.



## **A Brief Summary of the Rules and Regulations Applicable to a Used Oil Transporter Training Program**

**Note:** The following summary is provided in an attempt to simplify some of the legal language found in the Laws, Rules and Regulations pertaining to the management of used oil in Florida. This summary is incomplete and not comprehensive. Only certain parts of the applicable citations are summarized here. This is not a substitute for and does not replace the actual language found in the Laws, Rules and Regulations cited. For copies of the original documents, please contact the Used Oil Coordinator, FDEP, 2600 Blair Stone Road, MS 4560, Tallahassee, FL, 32399-2400; or phone (850) 245-8755.

Both State and federal regulations apply to the management of used oil. The federal regulations are found in Chapter 40, Part 279 of the Code of Federal Regulations (CFR) ( to view go to <http://www.gpoaccess.gov/cfr/index.html> ). The State laws regarding used oil are found in Chapter 403.75 through 403.769 of the Florida Statutes (F.S.) (Florida Statutes can be found at <http://www.leg.state.fl.us/Statutes/index.cfm?Tab=statutes&submenu=-1&CFID=56371064&CFTOKEN=21118445> ). The specific management standards for used oil in Florida are found in Chapters 62-701 (Solid Waste Management Facilities) and 62-710 (Used Oil Management) of the Florida Administrative Code (F.A.C) (to view these rules go to [http://www.dep.state.fl.us/waste/quick\\_topics/rules/default.htm](http://www.dep.state.fl.us/waste/quick_topics/rules/default.htm) ).

### **A. Federal Rules (Code of Federal Regulations, C.F.R.)**

1. **40 CFR, Part 279.40** This section (Subpart E) describes the used oil management standards which are applicable to used oil transporters (persons who transport used oil) and transfer facilities (facilities which store used oil for over 24 hours, but less than 35 days).
2. **40 CFR, Part 279.41** Transporters cannot process used oil.
3. **40 CFR, Part 279.42** Transporters must have an EPA identification number.
4. **40 CFR, Part 279.43** Transporters must deliver used oil to another transporter, processor or burner which has an EPA identification number. All discharges of used oil must be managed by taking immediate action to protect human health and the environment.
5. **40 CFR, Part 279.44** The transporter must use either product knowledge or testing to determine whether the halogen content of the used oil to be picked up is above or below 1,000 parts per million.
6. **40 CFR, Part 279.45** Used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) in addition to the requirements of this subpart..

Used oil must be stored at a transfer facility which has notified (has an EPA identification number) and has secondary containment. Used oil cannot be stored at a transfer facility for longer than 35 days. (40 CFR, Part 279.45(a))

Containers and aboveground tanks used to store used oil at transfer facilities must be labeled clearly with the words "Used Oil"(40 CFR, Part 279.45(g))

7. **40 CFR, Part 279.46** Transporters must keep records of all used oil accepted and delivered for three years. The records must include the name, address, EPA identification number and signature of the person who provided or accepted the used oil, the quantity of used oil handled and the date of delivery.



## **B. Florida Law (Florida Statutes, FS.)**

1. **§403.121** 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**).
2. **§403.141** 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).
3. **§403.161** 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.
4. **§403.708 (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.
5. **§403.751** 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.
6. **§403.754** Used oil transporters and transfer facilities must register annually, keep appropriate records and report to the Department
7. **§403.7545** 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).
8. **§403.767** Anyone who transports more than 500 gallons of used oil over public highways must be certified by the Department. Certification includes demonstration of adequate training and insurance.

## **C. Department Rules (Florida Administrative Code, F.A.C.), found in:**

### **62-701, F.A.C., Solid Waste Management Facilities/62-710, F.A.C., Used Oil Management**

1. **62-701.200** Training should include definitions of **(85)** oily wastes and **(129)** used oil.
2. **62-701.300 (8b)** No person shall dispose of used oil in a landfill. **(11)** No person may commingle used oil with solid waste that is to be disposed of in a landfill.
3. **62-710.401 (4)(5)** Prohibitions: No person may mix or commingle used oil with hazardous substances (exception found in 40 C.F.R.279.10(b)(3)); used oil shall not be used for pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.
4. **62-710.500** Used oil transporters and transfer facilities must register with the Department.
5. **62-710.510** Used oil transporters must, on the appropriate forms, keep records (for three years) and provide an annual report to the Department. Any shipment of used oil which is refused pick-up due to

suspected mixing with hazardous waste (halogens above 1,000 parts per million) must be recorded; a copy of this record must be left with the generator.

6. **62-710.600** Used oil transporters who transport over 500 gallons per year over public highways must be Certified by the Department by showing evidence of adequate training and insurance.
7. **62-710.850** Persons involved in the management of used oil filters must comply with this section.
8. **62-710.901(2)** This Used Oil Record Keeping form, or another form with the same information, must be used and maintained on-site for three years.



## **SPILL AVOIDANCE AND EMERGENCY RESPONSE PROCEDURES FOR RELEASES OF USED OIL**

Spill avoidance is best approached from a common sense viewpoint. Use your best judgment to determine the action to take. It is strongly recommended that all containers and tanks used to collect used oil be placed on a curbed, oil-impervious surface to contain any release of oil. **In the event of a release of oil (spill or leak) the owner or operator must do the following:**

1. Attempt to stop the source of the spill and begin initial containment procedures. The presence of an impervious liner beneath the collection/storage container may allow much of the spill to be contained and recovered. Containment may also be initiated using sorbent materials such as "kitty litter", oil pads, or oil socks. If a small amount of oil should spill on the ground, the procedure which is usually advised is to remove the affected soil by shoveling it out into a container until no more oil is present. Check with your local landfill and ask if they will accept the material.

2. If the amount of oil spilled is more than 25 gallons, immediately contact the State Warning Point by phone at (850) 413-9911, or (800)320-0519.

3. Contact the DEP District Office nearest you and report the spill. The DEP would appreciate all spills be reported, even though the legal reportable quantity is 25 gallons. Ask the State Warning Point for technical assistance from the DEP representative if it is after normal business hours.

4. Technical guidelines will then be followed on a case-by-case basis during the cleanup.

Phone numbers for reporting spills are:

### **FEDERAL**

National Response Center (24 hour)      (800) 424-8802 or (202) 267-2675

U.S. Coast Guard      check with the U.S. Coast Guard Office in your area

### **STATE**

State Warning Point (24 hour)      (850) 413-9911 or (800) 320-0519

### **REPORT THE FOLLOWING INFORMATION:**

1. Name, address and telephone number of person reporting.
2. Exact location of the spill.
3. Company name and location.
4. Material spilled.
5. Estimated quantity.
6. Source of the spill.
7. Cause of the spill.
8. Name of body of water involved, or the body of water nearest the spill area.
9. Action taken for containment and clean-up.

## HALOGEN TESTING

1. Describe in detail the procedure to screen for halogens at each pick up location

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2. Describe the instruments used

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3. Describe how you calibrate your instruments and how often they are calibrated

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4. Describe how you handle the loads testing in excess of 1000 ppm total halogens

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5. Describe what kind of records do you keep for all loads tested

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### **Used Oil Transporter Employee Training**

Each new employee will be trained within (one week, 10 days, one month (state one)) of employment on federal and state rules governing used oil, spill control and halogen testing.

All employees will be trained (every 6 months, once a year (state one)) on federal and state rules governing used oil, spill control and halogen testing.

Records of the training with employee name, date of training, and signatures of the employee and trainer will be kept with the company records for a minimum of 3 years and will be available for inspection by the Department of Environmental Protection.



# Florida Department of Environmental Protection



## Hazardous Waste Section

# Management Standards for Used Oil, Used Oil Filters, and Antifreeze







# Used Oil Generator Requirements & Management

- 40 CFR 279 and Chapter 62-710, FAC
- Any facility generating used oil becomes a used oil generator
- Any oil that has become contaminated and is not reusable becomes used oil
- Used oil must be properly managed in tanks or containers.



# Prohibitions



- May not pour or spill used oil on to soil, waterways, stormdrains, etc.
- May not mix used oil with solid waste.
- Used oil may not be used for road oiling or weed control.



# Used Oil Tanks and Containers

Used oil should be managed in tanks or containers  
40 CFR 279.22(a)







# Used Oil Tank – Good Condition

40 CFR 279.22(b)





# Used Oil Container – Bad Condition

40 CFR 279.22(b)







# Used Oil Tank – Leaking

40 CFR 279.22(b)





# Used Oil Container – Not Leaking







# Used Oil Container – Leaking



Not in secondary containment, bad condition,  
leaking, and it's unlabeled





# Used Oil Labels – Good



Clearly labeled Used Oil



# Used Oil Labels - Good





# Used Oil - Labels

279.22(c)(1)



Waste Oil or Used Oil?



# Secondary Containment

62-710.401(6), Florida Administrative Code (FAC)

- If tanks or containers are not stored inside a structure, the containers 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.





# Secondary Containment - Good

62-710.401(6), FAC



# Secondary Containment

Should be capped- 62-710.401(6), FAC







# Secondary Containment - Leaking

62-710.401(6), FAC





# Used Oil Container – Outside Open

62-710.401(6), FAC







# Used Oil - Outside

Not double-walled, but  
in secondary cont.



Double-walled

62-710.401(6), FAC



# Used Oil - Outside Don't

62-710.401(6), FAC







# Used Oil - Outside Don't

62-710.401(6), FAC





# Used Oil - Outside Don't

62-710.401(6), FAC







# Used Oil - Not adequate secondary containment

62-710.401(6), FAC





# Used Oil - Not adequate secondary containment

62-710.401(6), FAC







# Used Oil - Not adequate secondary containment

62-710.401(6), FAC





# Used Oil - Not adequate secondary containment



Not impervious if grass can grow through it.





# Used Oil - Not adequate secondary containment



Its not really containment if it can't contain a spill



# Used Oil - Outside Don't





# Used Oil - Releases

40 CFR 279.22(d)

Releases of used oil:

- (1) Stop the release
- (2) Contain the used oil
- (3) Clean up the release and manage the contaminated material properly
- (4) Repair or replace the leaking units prior to returning them to service





# Used Oil - Releases

40 CFR 279.22(d)







# Used Oil - Releases

40 CFR 279.22(d)







# Used Oil - Releases

40 CFR 279.22(d)







# Used Oil - Releases

40 CFR 279.22(d)





# Used Oil - Releases

40 CFR 279.22(d)







# Used Oil - Release

40 CFR 279.22(d)







# Used Oil Spill /Leak Response

40 CFR 279.22(d)



Before.....After



# Used Oil - Releases



Before – 40 CFR 279.22(d)

After



# Oily Mop Water

- Manage as used oil or oily water
- Can not discharge to septic tank
- Can not dump outside







# Oily mop water – Don't

40 CFR 279.22(d)





# Used Oil Filter Requirements

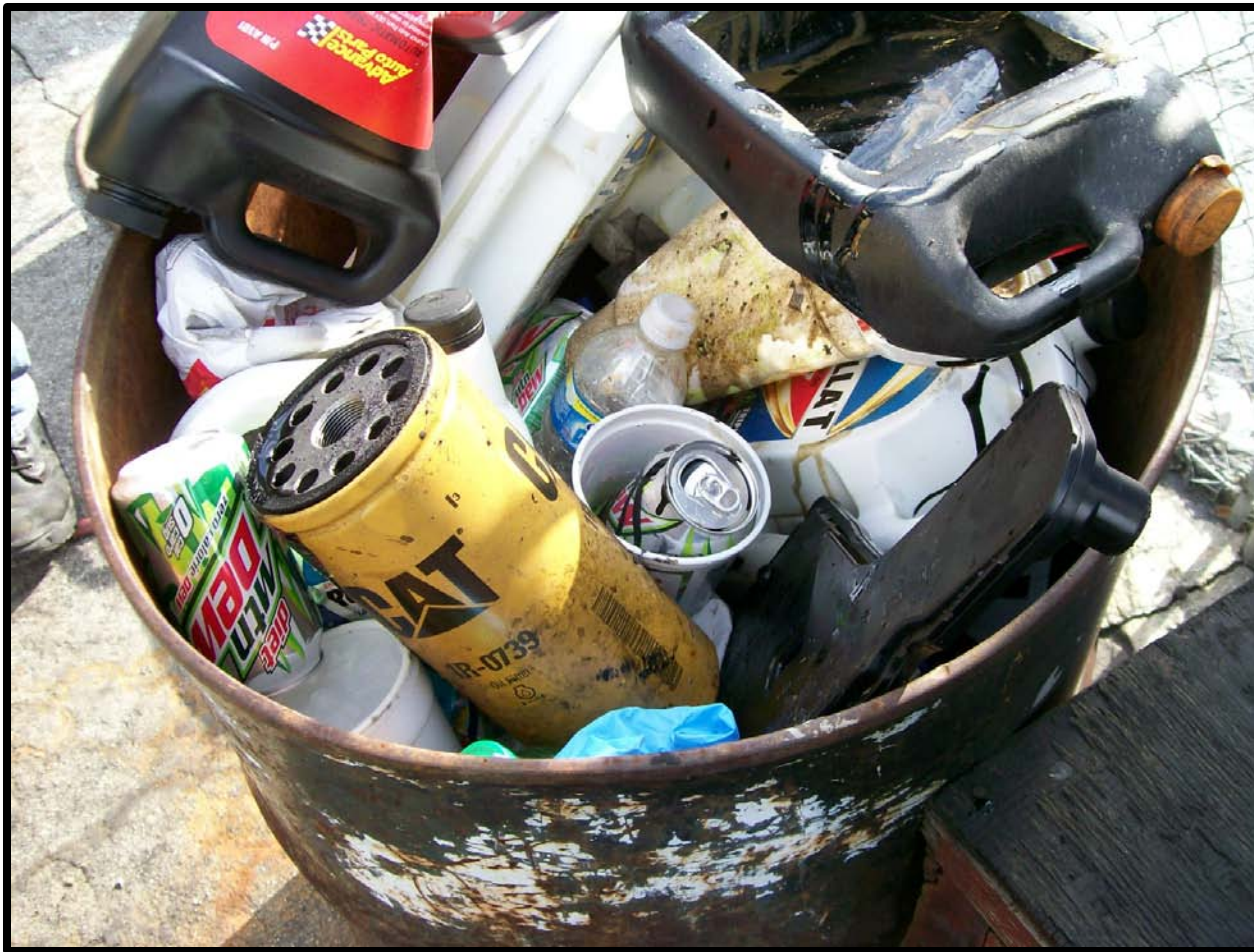
## Management 62-710.850(5), FAC

- Used oil filters must be managed in containers that are:
  - In good condition and not leaking
  - Stored covered or inside
  - Labeled “Used Oil Filters”
  - Stored on an oil impervious surface



# Used Oil Filter Requirements

62-710.850(1), FAC







# Used Oil Filter Requirements – Good Condition

62-710.850(5)(a)

In good condition and not leaking





# Used Oil Filter Requirements - Condition

62-710.850(5)(a)







# Used Oil Filter Requirements – Bad

62-710.850(5)(a)

Should be closed or otherwise protected from environment





# Used Oil Filter Requirements - Good

62-710.850(5)(a)  
Labeled







# Used Oil Filter Requirements - Labels





# Used Oil Filter Storage - Bad

62-710.850(5)(a)







# Used Oil Filter Storage – Good

Oil Impermeable Surface





# Used Oil Filter Storage – Good

Oil Impermeable Surface  
62-710.850(5)(a)







# Used Oil Filter Storage - Bad

62-710.850(5)(a), FAC





# Used Oil / Used Oil Filter Disposal Records

- Used oil / used oil filter records should include:
  - transportation by a registered transporter
  - amount of shipment
  - date of shipment
- Used oil/used oil filter records should be kept for at least 3 years





# Used Antifreeze BMPs

- Any facility generating spent antifreeze becomes an antifreeze generator
- Antifreeze must either be recycled (either on-site or off-site) or characterized pursuant to 40 CFR 262.11 to see if it is a hazardous waste



# Used Antifreeze Container







# Used Antifreeze Container





# Antifreeze Spill / Leak Response

- Spills or leaks of spent antifreeze must be addressed immediately:
  - Stop leak
  - Clean up affected area
  - Properly manage impacted material or soil
  - Repair tank or container or remove from service





# Used Antifreeze BMPs





# Questions?