

## Kennedy, Shannon

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**From:** Arleo, Jamie  
**Sent:** Monday, March 25, 2019 4:04 PM  
**To:** Kennedy, Shannon  
**Subject:** FW: Information request to complete Hazardous Waste Inspection  
**Attachments:** doc07875420190322101527.pdf; Used Oil Training\_2018.ppt

FYI

Regards,

*Jamie Arleo*

Jamie Arleo  
Department of Environmental Protection  
Office of Emergency Response  
13051 North Telecom Parkway, Suite 101  
Temple Terrace, FL 33637  
Office: 813/470-5923  
**Emergency: 800/320-0519**  
Email: Jamie.arleo@floridadep.gov

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**From:** Kelly Brandenburg <compliance@cliffberryinc.com>  
**Sent:** Friday, March 22, 2019 1:45 PM  
**To:** Arleo, Jamie <Jamie.Arleo@dep.state.fl.us>  
**Cc:** Jon Sandora <JSandora@cliffberryinc.com>; Steve Haggerty <SHaggerty@cliffberryinc.com>; Joseph Kaaa <JKaaa@cliffberryinc.com>; Leroy Arce <LARce@cliffberryinc.com>  
**Subject:** RE: Information request to complete Hazardous Waste Inspection

Good afternoon,

Please see attached responses for the training / Used Oil Issues in blue. Jon Sandora will respond to the other four items.

- Training records for the used oil driver = [Yadir Reyna](#)
  - If possible, a copy of the training - [attached](#)
  - Contact person for the used oil collection division of Cliff Berry
    - [Leroy Arce, 954-325-7395](#)
- Explain corrective actions for the following issues:
  - Manifests not being signed by the drivers – [we had a similar discovery in our Fort Myers facility in January and we held an all-hands mandatory Used Oil Driver meeting and training on January 18, 2019. Yadir Reyna, the Tampa Used Oil driver was in attendance. In this meeting we did the Used Oil Training presentation and we discussed manifest quality control. Among these control issues included signatures, dates, halogen testing documentation, and EPA ID numbers versus CESQG. Additionally, due to this issue popping up again in Tampa, Mr. Reyna was again pulled into a one-on-one training for additional attention to the QA/QC issues with manifesting and halogen documentation.](#)
  - Used oil driver not checking all the required boxes on the bill of lading/receipt – [See above addressed with one-on-one training](#)

- How the used oil was tested – all used oil pickups are first testing with the halogen meter “sniffer” prior to being pumped into our truck. If the Halogen meter/sniffer alerts to possible presence of halogens, the driver then uses a Clor-D-tect 1000 Kit. If the kit indicates presence, then we know the waste contains over 1000 ppm of halogens and the waste is not pumped into our truck. The driver is then supposed to indicate this process and the results on the shipping paper.

Thank you for your time and if you have any further questions on the items I provided, please feel free to get in touch with me.

Sincerely,  
Kelly Brandenburg  
Corporate Compliance  
Cliff Berry, Inc.  
954-763-3390

----- Original message -----

From: "Arleo, Jamie" <[Jamie.Arleo@dep.state.fl.us](mailto:Jamie.Arleo@dep.state.fl.us)>

Date: 3/21/19 11:10 AM (GMT-05:00)

To: Jon Sandora <[JSandora@cliffberryinc.com](mailto:JSandora@cliffberryinc.com)>

Cc: Steve Haggerty <[SHaggerty@cliffberryinc.com](mailto:SHaggerty@cliffberryinc.com)>, Joseph Kaaa <[JKaaa@cliffberryinc.com](mailto:JKaaa@cliffberryinc.com)>

Subject: Information request to complete Hazardous Waste Inspection

**CAUTION - EXTERNAL EMAIL**

Good Morning John,

Please see list of additional items needed to complete the Hazardous Waste Inspection that was started on 03/14/19.

- Three years of hazardous waste manifests (not available during the inspection)
- Daily/Weekly inspection logs for 2016 & 2017 (only 2018 was available during the inspection)
- Analytical for the filter baskets waste (last set of data)
- Solid Waste bulking records
- Training records for the used oil driver (Armando)
  - If possible, a copy of the training
  - Contact person for the used oil collection division of Cliff Berry
    - Provide email and phone number
- Explain corrective actions for the following issues:
  - Manifests not being signed by the drivers
  - Used oil driver not checking all the required boxes on the bill of lading/receipt
    - How the used oil was tested

Regards,

*Jamie Arleo*

Jamie Arleo  
Department of Environmental Protection  
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**Emergency: 800/320-0519**

Email: [Jamie.arleo@floridadep.gov](mailto:Jamie.arleo@floridadep.gov)



# Record of Compliance

## EMPLOYEE/ DRIVERS FORM

I hereby acknowledge receipt of a copy of the *Used Oil Transporters Certification and Training Manual*. I have familiarized myself with these regulations and will comply with their provisions at all times on duty as a driver/employee.

I understand that by signing this form I am indicating that I have reviewed and understand the materials in the certification manual. I further understand that a copy of this form will remain on file as a personnel record at the firm and that a copy will be available upon request to the Department.

At least once a year, I will review the applicable state and federal laws and rules governing used oil transporting and sign a new form for the personnel record.

  
(Signature of Driver)

Yadir Roynon  
(Print Full Name of Driver)

01/18/19  
(Today's Date: Include Month, Date & Year)

CLIFF BERRY INC.

(Name of Employer/Firm)

CLIFF BERRY INC

(Address of Firm)

\_\_\_\_\_  
(City, State and Zip Code)

\_\_\_\_\_  
(Work Phone, Include Area Code)

  
(Signature of Owner/Manager)

Instructions: This receipt is to be read and signed by the driver/employee. It should be countersigned by the firm's owner/manager and placed in the driver's qualification file. It must be updated annually. Violations of the certification law can lead to denial or revocation of certification. (Make copies of this form for additional employees.)



# USED OIL DRIVER TRAINING 2018



# Some Facts about Used Oil

- Used oil is more damaging to the environment than virgin crude (contamination)
- Lead is the most common contaminant of used oil (nerve toxin/poison)
- One gallon of used oil can pollute one million gallons of water (blocks sunlight and oxygen production, bad tastes and smells)
- See fact sheets



# Rules and Regulations Regarding Used Oil

- Chapter 40, Part 279,  
Code of Federal Regulations (CFR)
- Florida Statutes, Chapters 403.75-403.769 (FAC)
- Chapter 62-710, Florida Administrative Code
- Local Ordinances (Waste, Fire, etc.)



- The Lord's Prayer is 66 words.
- The Gettysburg Address is 286 words.
- There are 1,322 words in the Declaration of Independence
- The Federal Rule which regulates the sale of cabbage totals 26,911 words.





# Federal: 40 CFR, Part 279

- Applicability
  - Who is and is not regulated
- Definitions
  - Used oil (State Definition trumps feds)
  - Handlers (generators, transporters)
  - General requirements
- The Rebuttable Presumption
  - On the “front end” where used oil is picked up
  - Halogen test, to screen for hazardous waste
- Used Oil Fuel Specification
  - On the “back end” where used oil is sold as a product
  - Specified levels of metals and halogens, equal to virgin fuel oil

# 40 CFR, Part 279, Continued

- Applicability:

Used oil is **NOT** considered hazardous **IF**:

- It is not mixed with other materials (*including Anti-Freeze*)  
(rebuttable presumption)

**DO NOT MIX**

- It is destined to be recycled
- If it is household used oil, or public drop off (PUOCC)

# 40 CFR, Part 279, Continued

- Applicability
  - Conditionally Exempt Small Quantity Generators (CESQG's)
  - Generate <100 kg/month of hazardous waste
  - Must do a waste stream analysis (can't just say you are)
  - If you're unsure of the status:
    - Ask for documentation
    - LOOK AROUND (parts washers, spray cans, etc.)
    - Check the Florida DEP Website

**DON'T MIX**

# 40 CFR, Part 279, Continued

- Definitions

- Transporter: anyone moving used oil

Generators are exempt if <55 gallons at one time

- Transfer Facility: store oil for more than 24 hours, but less than 35 days

- Processor: stores oil longer than 35 days or chemically or physically treats the used oil

- Marketer: makes the specification test

# 40 CFR, Part 279, Continued

- Spill Control
  - Anything over 25 gallons is a “reportable quantity” State and federal agencies must be notified (contact your supervisor immediately)
  - Stop the release
  - Contain the release
  - Clean up the release
  - Ensure the release will not happen again

# Florida Statutes

## Chapters 403.75-403.769

- Authorizes the DEP to regulate used oil
- Definitions
- Prohibitions
- DEP can set regulatory standards
- USED OIL CAN BE REGULATED AS A HAZARDOUS WASTE

# Florida Statutes Continued

- 403.75(7), FS

- Definition of Used Oil:

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.

# Florida Statutes Continued

- 403.751, FS

(repeated in Chapter 62-710.401, F.A.C.)

– Prohibitions:

- Endanger public health or the environment
- Dispose of as solid waste
- Mix with hazardous materials
- Road oiling, dust control, weed killer, etc.



# Florida Statutes Continued

- Who is regulated by DEP
  - Generators over CESQG threshold
  - Mobile lubes are considered to be generators
  - Transporters
  - Transfer Facilities
  - Processors
  - Marketers



# Florida Statutes Continued

- Registration
  - EPA ID Number
  - Fee (\$100)
  - Annual Report
- Certification (if >500 gallons per year)
  - Training
  - Insurance



# Florida Statutes Continued

- 403.760 FS

## Public Used Oil Collection Centers (PUOCCs)

- Collect used oil from household Do-It-Yourselfers (DIYers)
  - Considered NOT hazardous
  - Rebuttable Presumption - a conclusion to a fact in presence of certain evidence and can be overturned only if an evidence on the contrary is provided
  - MUST register with DEP
  - Exempt from certain liabilities

# Florida Statutes Continued

- 403.141, F.S., Joint and Several Liability
- 403.161, F.S., Causing Pollution
  - *careless or reckless*
  - *willful*



# Chapter 62-710 Florida Administrative Code (FAC)

FDEP Standards  
for  
Used Oil Management

“If stupidity got us into this mess...

... then why can't it get us out?”

- (Will Rogers, American humorist)



# Chapter 62-710, FAC

- Intent
- Definitions
- Documents Incorporated by reference
- Prohibitions (Same as Florida Statutes PLUS a NEW storage standard)
- Registration (Transporters)
- Record Keeping
- Certification
- Permits
- Used Oil Filters
- Forms



# Chapter 62-710.401(6), FAC Prohibitions

- Most storage tanks regulated if over 550 gallons
- Used oil storage (regardless of size)
- Labeled “Used Oil”
- In good condition
- If outdoors, must be protected from weather
- If not double walled, must have some kind of secondary containment (that will hold 110% of the volume of the largest tank)

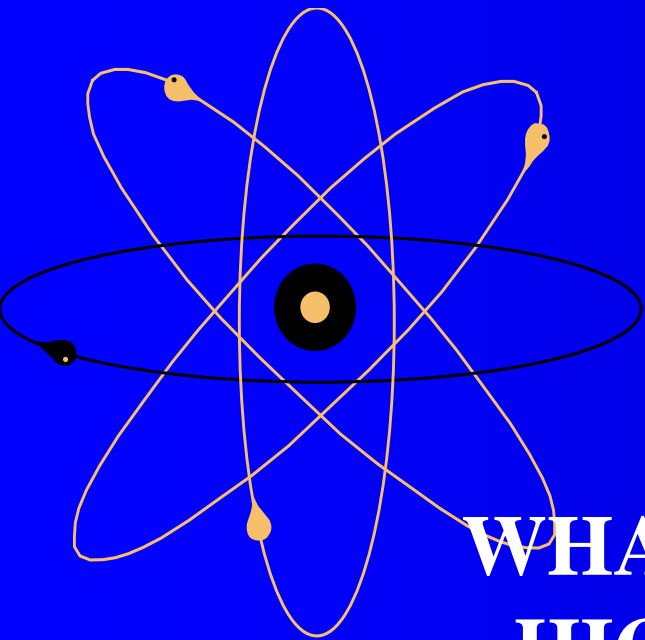




# Chapter 62-710.510, FAC

## Record Keeping and Reporting

- Record (shipping form, invoice)
  - Transporter Name, address, phone number, EPA ID
  - Customer Name, address, phone number, *EPA ID*
  - Total gallons
  - Type (automotive, industrial, mixed)
  - Date
  - Destination
  - **HALOGEN SCREENING**



# THOSE HORRIBLE HALOGENS

OR

WHAT I SLEPT THROUGH IN  
HIGH SCHOOL CHEMISTRY  
CLASS



Because they can change or  
destroy molecules, halogens  
make great solvents

- Methylene **chloride**
- Per**chlor**ethylene
- Tri**chlor**oethylene
- Hydrogen **fluoride**
- n-propyl **bromide**
- CFC's (**chlorinated fluoro** carbons)
- And many, many, more

# Halogens are Horrible in Used Oil

- Risk to human health
- Do not easily biodegrade (break down) and persist in the environment
- Interfere with recycling processes
- Attack delicate recycling equipment

“Sure, it’s going to kill a lot of people, but they may be dying of something else anyway.”

(Othal Brand, member of a Texas pesticide review board, on Chlordane)

- Because halogens are used in so many solvent materials, their presence in used oil is like a warning flag that solvents have been mixed with used oil.
- Therefore ALL loads of used oil have to be evaluated for the presence of halogens.
- If halogens are present at a level greater than 1000 parts per million, it is PRESUMED that hazardous waste has been mixed into the used oil.

# Determining the halogen level

- Testing, using EPA approved test methods
- Process knowledge (a CESQG, household used oil, knowing no halogens are used in the vicinity). EPA approved
- Dexsil® test kits. EPA approved
- “Sniffers” which are modified air conditioner (CFC – chloro fluoro carbon) detectors. NOT EPA approved

# “Sniffers”

- Research conducted by Research Triangle on behalf of Dexsil® showed that “sniffers” were “unreliable.”
- “Sniffers” give false positive results (indicating halogens when there are none)
- “Sniffers” NEVER gave false negatives (indicating no halogens when there were)



# FDEP's Policy on "Sniffers"

- FDEP has decided that, if a "sniffer" is properly maintained and calibrated, it is a good screening mechanism for halogens in used oil, such that:
- If the sniffer does not go off, there are probably no halogens present. No further testing required.
- If the sniffer does go off, then an EPA approved test method must be performed.

“A man who carries a cat by its tail...  
...learns something he can learn in no other way.”

(Mark Twain, American author)



Let's play with some chemistry sets!!!!



- “Not everything that can be counted counts, and not everything that counts can be counted.”  
(Albert Einstein, German-born American physicist)

- “A little inaccuracy sometimes saves a lot of explanation.”  
(H. H. Munro, *Saki*, British author)

# Rebuttable Presumption

- If halogens are present, it is possible to rebut (argue) the presumption that the used oil is a hazardous waste.
  - The halogen content is below 1,000 parts per million
  - Process knowledge
  - Household oil
  - CESQG
  - Metal working oils
  - Refrigerant oils

# Poly Chlorinated Biphenyls (PCB's)

- Carcinogen
- Mutagen
- Toxins
- Found in electrical transformer (heat transfer) oils
- If greater than 50 parts per million, fully regulated by the Toxic Substances Control Act
- Be wary of oils from electric utilities.
- Make sure your supervisors are aware of possible PCB contamination.

# Driver Responsibility for “hot loads”

- If halogens are detected at levels greater than 1,000 parts per million, this should be noted on the shipping papers and a copy left with the generator.
- If the presumption of hazardous waste mixing can be rebutted, the load can be managed as used oil.
- If the presumption is not rebutted and the load is handled by a used oil transporter, the transporter may be in violation of transporting hazardous waste without a permit.

”...the future is not what it used to be.”

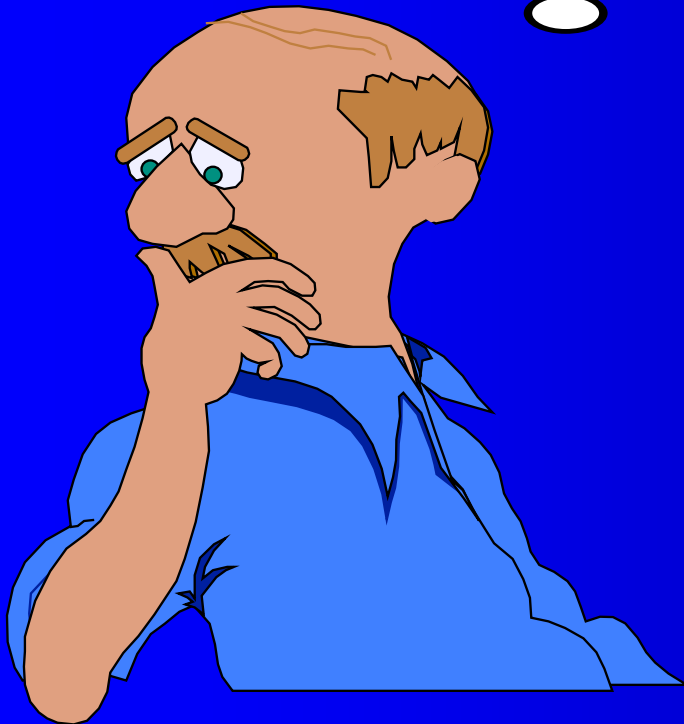
(Paul Valery, French poet)

“The best way to predict the future is to invent it.”

(Jack Wagner)



QUESTIONS???



# **THANK YOU**

## **For your time and attention**

**Don't forget:**  
**post test**  
**evaluation sheet**  
**wish list**  
**free stuff**