

263-17-17  
December 11, 2017

4014 NORTH WEST 13<sup>th</sup> STREET  
GAINESVILLE, FL 32609-1923  
[www.kooglerassociates.com](http://www.kooglerassociates.com)  
352.377.5822

Mr. Bradley Buselli  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Subject: Renewal of Used Oil Permit for CEMEX Miami Cement Plant  
CEMEX Construction Materials Florida, LLC  
Miami, Miami-Dade County, Florida  
EPA I.D. Number FLD 981 758 485  
Permit No. 56307-005-HO

Dear Mr. Buselli:

On behalf of CEMEX Construction Materials Florida, LLC (CEMEX), Koogler and Associates, Inc. is submitting this permit application package for the renewal of the Miami Cement Plant Used Oil Processing Facility Permit No. 56307-005-HO.

Attached is an electronic copy of the Application Form 62-710.901(6), attachments, associated supporting information, and check for \$2,000 for the application fee. A hard copy along with the \$2000 check is being sent via fed ex for overnight delivery.

If you require additional information, please contact me at 352-377-5822 or [treed@kooglerassociates.com](mailto:treed@kooglerassociates.com).

Best regards,

Tammy L. Reed  
Environmental Scientist

/tlr

cc: Bryan Baker, P.G., Susan Eldredge & Norva Blandin – FDEP (*Email*)  
Charles Walz – CEMEX (*Email*)

Enclosures

## RENEWAL APPLICATION FOR USED OIL PROCESSING FACILITY PERMIT

CEMEX Construction Materials Florida, LLC

**CEMEX Miami Cement Plant**

Miami, Miami-Dade County, Florida

EPA ID: FLD 981 758 485

Renewal of FDEP Permit No. 56307-HO-005

**Application Date:** December 11, 2017

**Consultant:**

Maxwell R. Lee, Ph.D., P.E.

Tammy L. Reed

**Koogler and Associates, Inc.**

4014 NW 13th Street

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**RENEWAL APPLICATION FOR USED OIL  
PROCESSING FACILITY PERMIT**

CEMEX Construction Materials Florida, LLC

**CEMEX Miami Cement Plant**

Miami, Miami-Dade County, Florida

EPA ID: FLD 981 758 485

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# USED OIL PROCESSING FACILITY PERMIT APPLICATION

## Part I

TO BE COMPLETED BY ALL APPLICANTS (*Please type or print*)

### A. General Information

1. New \_\_\_\_\_ Renewal ☒ Modification \_\_\_\_\_ Date current permit expires 2/12/2018

2. Revision number 005

3. NOTE: Used Oil Processors must also meet all applicable subparts, (**describe compliance in process description for applicable standards**) if they are:

- ☒ Generators (Subpart C of Part 279)
- ☐ Transporters (Subpart E)
- ☒ Burners of off-spec used oil (Subpart G)
- ☐ Marketers (Subpart H)
- ☒ are disposing of used oil (Subpart I)

4. Date current operation began: 1997

5. Facility name: CEMEX Miami Cement Plant

6. EPA identification number: FLR 981-758-485

8. Facility mailing address:

1200 NW 137th Avenue Miami FL 33182  
Street or P.O. Box City State Zip Code

9. Contact person: Luis G. Lopez Telephone: (305-229-2950)

Title: Plant Manager Email m

Mailing Address:

Same as above

Street or P.O. Box City State Zip Code

10. Operator's name: CEMEX Construction Materials Florida, LLC Telephone: (305-229-2950)

Mailing Address:

Same as Above

Street or P.O. Box City State Zip Code

11. Facility owner's name: Same as Above Telephone: (305-229-2950)

Mailing Address:

Street or P.O. Box City State Zip Code

12. Legal structure:

- ☒ Corporation (indicate state of incorporation) Florida
- ☐ Individual (list name and address of each owner in spaces provided below)
- ☐ Partnership (list name and address of each owner in spaces provided below)
- ☐ Other, e.g., government (please specify) \_\_\_\_\_

If an individual, partnership, or business is operating under an assumed name, enter the county and state where the name is registered: County N/A State \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

13. Site ownership status: ☒ owned ☐ to be purchased ☐ to be leased \_\_\_\_\_ years  
☐ presently leased; the expiration date of the lease is: \_\_\_\_\_

If leased, indicate: Land owner's name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street or P.O. Box \_\_\_\_\_ City Miami State FL Zip Code 33182

14. Name of professional engineer Maxwell R. Lee, Ph.D., P.E. Registration No. 58091

Mailing Address: \_\_\_\_\_

4014 NW 13th Street \_\_\_\_\_ Gainesville \_\_\_\_\_ FL \_\_\_\_\_ 32609

Street or P.O. Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Associated with: Koogler and Associates, Inc.

## B. SITE INFORMATION

1. Facility location:

County: N/A

Nearest community: Miami

Latitude: 25° 47' 17" N Longitude: 80° 25' 26" W

Section: 34 Township: 53S Range: 39E

UTM # 17 / 557800 / 2852200 / \_\_\_\_\_

2. Facility size (area in acres): 122.74 ac - See Attachment 2

3. Attach a topographic map of the facility area and a scale drawing and photographs of the facility showing the location of all past, present and future material and waste receiving, storage and processing areas, including size and location of tanks, containers, pipelines and equipment. Also show incoming and outgoing material and waste traffic pattern including estimated volume and controls.

The facility's detailed process description is labeled as Attachment 1 (Fig 1 & 2) & Att 3

### C. OPERATING INFORMATION

1. Hazardous waste generator status (SQG, LQG, Etc.) SQG

2. List applicable EPA hazardous waste codes:

D001

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Attach a brief description of the facility operation, nature of the business, and activities that it intends to conduct, and the anticipated number of employees. No proprietary information need be included in this narrative.

**A brief description of the facility operation is labeled as Attachment 2**

4. A detailed description of the process flow should be included. This description should discuss the overall scope of the operation including analysis, treatment, storage and other processing, beginning with the arrival of an incoming shipment to the departure of an outgoing shipment. Include items such as size and location of tanks, containers, etc. A detailed site map, drawn to scale, should be attached to this description. [See item four (4), page four (4) of the instructions.]

**The facility's detailed process description is labeled as Attachment 3 & Att 1, Figure 2**

5. The following parts of the facility's operating plan should be included as attachments to the permit application. [See item five (5), page four (4) of the instructions.]

- a. An analysis plan which must include:
- (i) a sampling plan, including methods and frequency of sampling and analyses;
  - (ii) a description of the fingerprint analysis on incoming shipments, as appropriate; and
  - (iii) an analysis plan for each outgoing shipment (one batch/lot can equal a shipment provided the lots are discreet units) to include: metals and halogen content

**The analysis plan is labeled as Attachment 4**

- b. A description of the management of sludges, residues and byproducts. This must include the characterization analysis as well as the frequency of sludge removal.

**Sludge, residue and byproduct management description is labeled as Attachment N/A**

- c. A tracking plan which must include the name, address and EPA identification number of the transporter, origin, destination, quantities and dates of all incoming and outgoing shipments of used oil.

**The tracking plan is included as Attachment 4**

6. Attach a copy of the facility's preparedness and prevention plan. This requirement may be satisfied by modifying or expounding upon an existing SPCC plan. Describe how the facility is maintained and operated to minimize the possibility of a fire, explosion or any unplanned releases of used oil to air, soil, surface water or groundwater which could threaten human health or the environment. [See item six (6), page five (5) of the instructions.]

**The preparedness and prevention plan is labeled as Attachment 5**

7. Attach a copy of the facility's Contingency Plan. This requirement should describe emergency management personnel and procedures and may be met using a modifying or expounding on an existing SPCC plan or should contain the items listed in the Specific Instructions. [See item seven (7), page five (5) of the instructions.]

**The contingency plan is labeled as Attachment 5**

8. Attach a description of the facility's unit management for tanks and containers holding used oil. This attachment must describe secondary containment specifications, inspection and monitoring schedules and corrective actions. This attachment must also provide evidence that all used oil process and storage tanks meet the requirements described in item 8b on page 6 of the specific instructions, and should be certified by a professional engineer, as applicable.

**The unit management description is labeled as Attachment s 5 & 6**

9. Attach a copy of the facility's Closure plan and schedule. This plan may be generic in nature and will be modified to address site specific closure standards at the time of closure. [See item nine (9), page six (6) of the instructions.]

**The closure plan is labeled as Attachment 8**

10. Attach a copy of facility's employee training for used oil management. This attachment should describe the methods or materials, frequency, and documentation of the training of employees in familiarity with state and federal rules and regulations as well as personal safety and emergency response equipment and procedures. [See item ten (10), page seven (7) of the instructions.]

**A description of employee training is labeled as Attachment s 5 & 7**



# APPLICATION FORM FOR A USED OIL PROCESSING PERMIT

## PART II - CERTIFICATION


TO BE COMPLETED BY ALL APPLICANTS

### Form 62-710.901(6) Operator Certification

Facility Name: CEMEX Miami Cement Plant EPA ID# FLD 981 758 485

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment or knowing violations. Further, I agree to comply with the provisions of Chapter 403, Florida Statutes, Chapters 62701 and 62-710, F.A.C., and all rules and regulations of the Department of Environmental Protection

Signature of the Operator or Authorized Representative\*



Luis Lopez, Plant Manager

Name and Title (Please type or print)

Date: 12/11/17 Telephone: ( 305 ) 229-2950

\* If authorized representative, attach letter of authorization.

# APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

## PART II - CERTIFICATION

### Form 62-710.901(6) Facility Owner Certification

Facility Name: CEMEX Miami Cement Plant EPA ID# FLD 981 758 485

This is to certify that I understand this application is submitted for the purpose of obtaining a permit to construct, or operate a used oil processing facility. As the facility owner, I understand fully that the facility operator and I are jointly responsible for compliance with the provisions of Chapter 403, Florida Statutes, Chapters 62-701 and 62-710, F.A.C., and all rules and regulations of the Department of Environmental Protection.

Signature of the Operator or Authorized Representative\*



Luis Lopez, Plant Manager

Name and Title (Please type or print)

Date: 12/11/17 Telephone: ( 305 ) 229-2950

\* If authorized representative, attach letter of authorization.

# APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

## PART II - CERTIFICATION

### Form 62-710.901(6) Land Owner Certification

Facility Name: CEMEX Miami Cement Plant EPA ID# FLD 981 758 485

This is to certify that I, as land owner, understand that this application is submitted for the purpose of obtaining a permit to construct, or operate a used oil processing facility on the property as described.

Signature of the Operator or Authorized Representative\*



Luis Lopez, Plant Manager

Name and Title (Please type or print)

Date: 12/11/17 Telephone: ( 305 ) 229-2950

\* If authorized representative, attach letter of authorization.

# APPLICATION FORM FOR A USED OIL PROCESSING PERMIT

## PART II - CERTIFICATION

Form 62-710.901(6) P. E. Certification [Complete when required by Chapter 471, F.S. and Rules 62 - 4.050, 62-761, 62-762, 62-701 and 62-710, F.A.C.]

Use this form to certify to the Department of Environmental Protection for:

1. Certification of secondary containment adequacy (capacity), structural integrity (structural strength), and underground process piping for storage tanks, process tanks, and container storage.
2. Certification of leak detection.
3. Substantial construction modifications.
4. Those elements of a closure plan requiring the expertise of an engineer.
5. Tank design for new or additional tanks.
6. Recertification of above items.

Please Print or Type

12/13/2012

Initial Certification

12/11/2017

Recertification

1. DEP Facility ID Number: 56307-005-HO 2. Tank Numbers: See Table 1 attached

3. Facility Name: CEMEX Miami Cement Plant

4. Facility Address: 1200 NW 137th Avenue; Miami, FL 33182

This is to certify that the engineering features of this used oil processing facility have been designed/examined by me and found to conform to engineering principles applicable to such facilities. In my professional judgment, this facility, when properly constructed, maintained and operated, or closed, will comply with all applicable statutes of the State of Florida and rules of the Department of Environmental Protection.

Signature

Maxwell R. Lee, Ph.D., P.E.

Name (please type)

Florida Registration Number: 58091

Mailing Address: PO Box 5127

Street or P. O. Box

Gainesville

FL

32627-5127

State

Zip

Date

Telephone (352) 377-5822

No. 58091

[PLEASE AFFIX SEAL]

STATE OF

FLORIDA

PROFESSIONAL ENGINEER

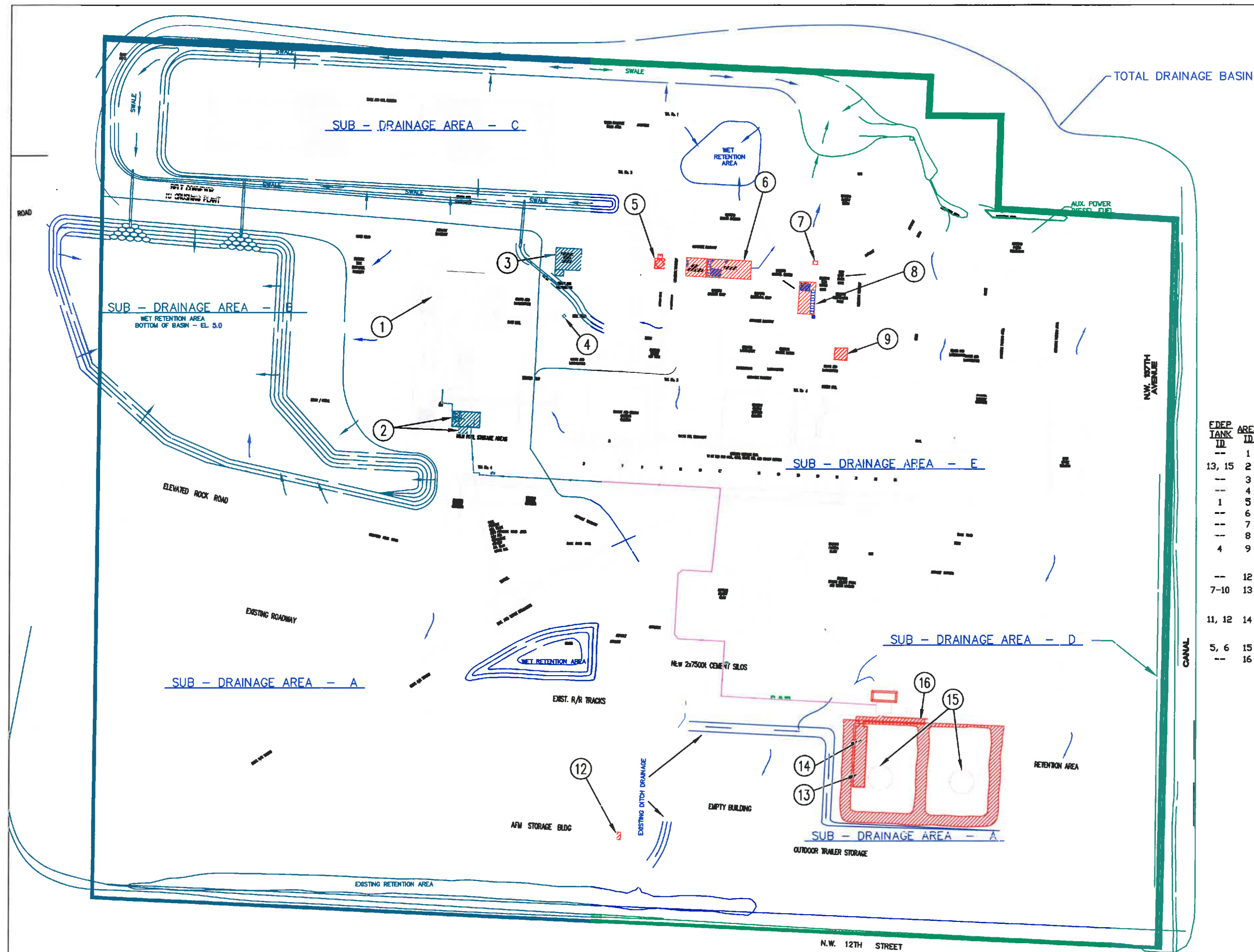
**ATTACHMENT 1**

**FIGURE 1 - USGS TOPOGRAPHIC MAP**

**FIGURE 2 – SITE PLAN**

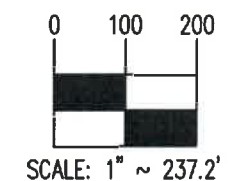
**FIGURE 3 - FEMA FLOOD ZONE MAP**





EDEP TANK ID		AREA ID		OIL STORAGE LOCATIONS/VOLUME TYPE	
--	1	--	1	EMERGENCY GENERATOR/500-GAL, DIESEL	
13, 15	2	--	2	KILN DAY TANK/30,000-GAL, FUEL OIL/12,000-GAL, DIESEL	
--	3	--	3	PRESSURE CLEANING FACILITY/1,000-GAL, WASTE OIL	
--	4	--	4	EMERGENCY GENERATOR/110-GAL, DIESEL	
1	5	--	5	FUELING STATION/20,000-GAL, DIESEL	
--	6	--	6	OIL & LUBRICANT STORAGE	
--	7	--	7	EMERGENCY GENERATOR/560-GAL, DIESEL	
--	8	--	8	OIL & LUBRICANT RECEIVING & STORAGE	
4	9	--	9	OLD KILN FUEL TANK/30,000 GAL, FUEL OIL	
				(TO BE REMOVED BY 3/2018)	
--	12			2,000 GAL, INACTIVE	
7-10	13			OILY WATER, 25,000-GAL (4), INACTIVE	
				(TO BE REMOVED BY 2020)	
11, 12	14			OILY WATER, 25,000-GAL (2), INACTIVE	
				(TO BE REMOVED BY 2020)	
5, 6	15			BULK STORAGE - 633,000 GAL (2), FUEL OIL	
--	16			RAILCAR UNLOADING, FUEL OIL	

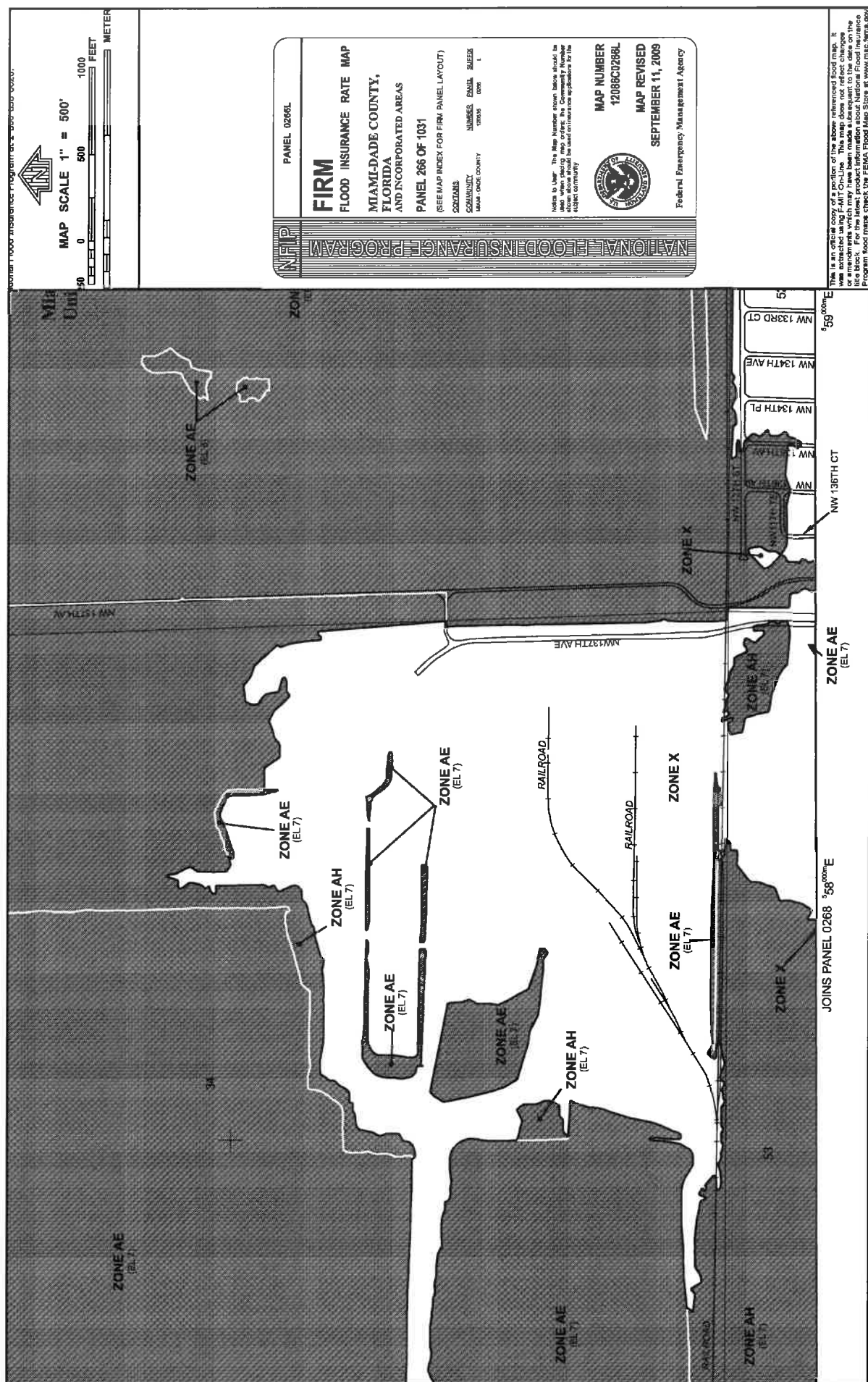
- # → OIL STORAGE LOCATION (AREA ID)
- ▨ OIL STORAGE CONTAINMENT AREA
- PROPERTY LINE
- FLOW
- FUEL OIL PIPE LINE



ATTACHMENT 1, FIGURE 2- FACILITY DIAGRAM  
CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC  
MIAMI CEMENT PLANT  
MIAMI-DADE COUNTY, FLORIDA









## **ATTACHMENT 2**

### **FACILITY OPERATION DESCRIPTION**

## **ATTACHMENT 2: FACILITY OPERATION**

### General Description of the Facility and Operation

The cement manufacturing facility current known as the CEMEX Miami Cement Plant (Facility) was built by the Lehigh Corporation and placed into operation on July 1, 1958. In 1976, Rinker Materials Corporation purchased the facility from Lehigh to augment Rinker's rapidly expanding construction materials business. Rinker was established following the demerger of CSR Limited in March 2003. In 2007, Rinker Materials was acquired by CEMEX, which is now CEMEX Construction Materials Florida, LLC.

The Cement Plant encompasses a parcel of land that is 122.74 acres. Land to the west and northwest, which encompasses the two adjacent quarry mining pits, is a parcel of land totaling 353.74 acres. The remaining land encompassing the SCL quarry, quarry pits, environmental buffers, and land to the northeast of the Cement Plant property is a parcel of land totaling 2,476.14 acres. The used oil activities take place within the Cement Plant property (122.74 acres).

The Facility is a mining, manufacturing, storage and distribution complex. The facility is designed to transform various raw materials into Portland Cement. The principal raw material is limestone which is mined on-site. This and other raw materials proceed through diversified phases such as crushing, screening, grinding, slurring mixing, kiln firing, finish grinding, packing and shipment. The fuel sources include, but are not limited to, coal, pet coke, tires, waste oil, and alternative fuel materials. Thus, large quantities of petroleum products are received, stored, transferred, and consumed in the process functions.

The facility is permitted to operate 24 hours a day, seven days a week. Since the facility is manned, operated, and monitored perpetually, there is increased probability of detection in the eventuality of an oil spill. The probability of a severely detrimental oil spill is lessened by the nature of the industrial facility and its operation.

### The Nature of the Business and Activities Conducted

The nature of the business is the production of construction material, specifically, cement and crushed stone. Production activities include:

- Cement production (7 basic operations)
  - (1) limestone quarry
  - (2) rock crushing
  - (3) material receiving and storage (rail and truck)
  - (4) raw material and clinker storage
  - (5) raw mill/kiln/clinker cooler system
  - (6) finish mill
  - (7) cement packhouses, storage silos, and loadout
- Crushed stone production
- Processing of used oil - oil filters, and waste tires as fuel for the cement kilns

Number and Type of Employees

The number of employees is approximately 130 and include:

- General laborers
- Equipment operators
- Supervisors
- Managers

### **ATTACHMENT 3**

#### **DETAILED PROCESS DESCRIPTION**

### **ATTACHMENT 3: DETAILED PROCESS DESCRIPTION**

#### Used Oil Process Description

The facility accepts used oil for processing as a fuel in its cement kilns.

Materials are analyzed by the generator for the following parameters:

Used Oil:                      Total Btu's  
                                    Total Halogens  
    PCB scan if halogens present  
    EPA Method 601 if total halogens > 1,000 ppm  
                                    Metals—arsenic, cadmium, chromium, lead, and mercury

The facility reviews the data on each material as to its acceptability. Upon approval, the material is assigned a control number. Once the materials are approved for receipt, notification is given to the generator/transporter and delivery is scheduled.

Each transport vehicle is escorted to the assigned storage area, off-loaded, and returned to the scalehouse. Samples of the material are obtained, and the material is segregated until Quality Control confirms that the material is as previously approved. Quality Control performs the following analyses:

Used Oil:                      Btu's  
                                    % Water  
                                    Dexsil Kit PCB's (or equivalent)  
                                    Total Halogens  
                                    Total Metals—arsenic, cadmium, chromium, and lead

After Quality Control confirms the acceptability of the materials, the materials are processed as described above. Used oil is off-loaded via the pump house located at the major tank farm (Area 15, see Attachment 1, Figure 2), and is directed either straight to oil storage or to separation tanks. Upon the accumulation of sufficient volume, used oil is transferred to the fuel feed day tank for combustion in the kilns.

#### 40 CFR 279 Subpart G Compliance

Subpart G (40 CFR 279.60 – 40 CFR 279.69) is applicable because the facility is permitted to burn off-specification used oil, per 40 CFR 279.11, in their cement kiln.

#### *40 CFR 279.60 Applicability:*

Facility is defined as a "used oil burner"

#### *40 CFR 279.61 Restrictions on Burning:*

Cement kilns are defined as "industrial furnaces" per 40 CFR 260.10

#### *40 CFR 279.62 Notification:*

CEMEX has an EPA identification number

#### *40 CFR 279.63 Rebuttable Presumption for Used Oil*

Compliance is achieved by testing the used oil

40 CFR 279.64 *Used Oil Storage*

Compliance is demonstrated by compliance with Rule 62-762, F.A.C.

40 CFR 279.65 *Tracking*

Compliance is achieved by the Facility Operation Plan (Attachment 4)

40 CFR 279.66 *Notices*

All appropriate notices are performed

40 CFR 279.67 *Management of Residues*

Not applicable—no residues are generated specifically from the storage or burning of used oil

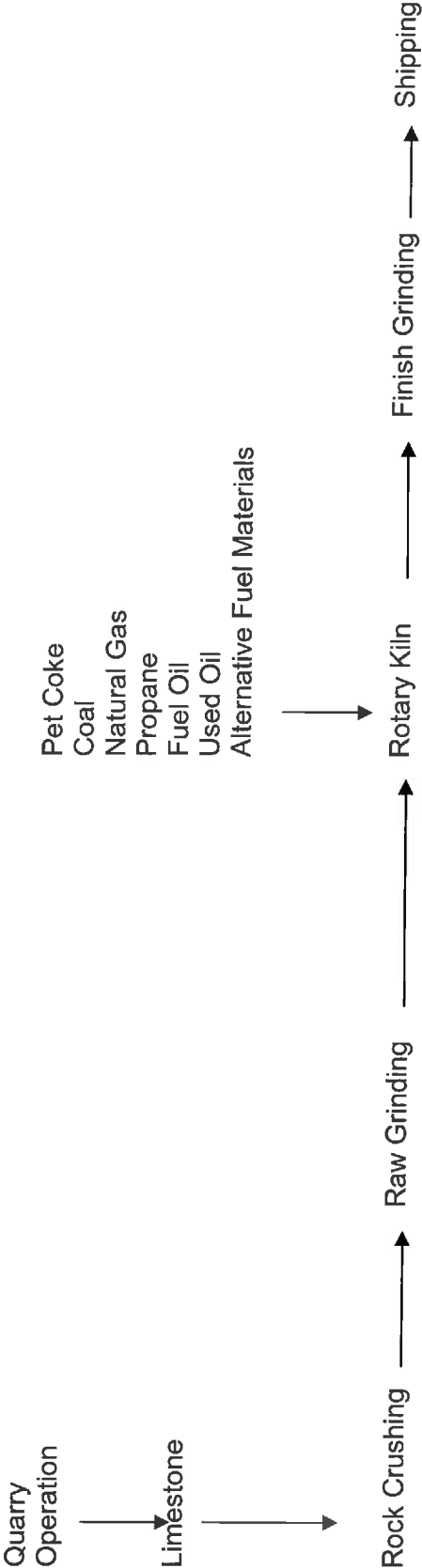
Cement Manufacturing Process

The process that is used at the facility to manufacture cement is called a “dry process”. The primary raw material - limestone, is mined in the Miami (SCL) quarry. The limestone is processed through series of crushing, screening/sizing, and transfer operations. Next the kiln feed is prepared in the Raw Material Handling System and is fed to the Preheater/Kiln (dry preheater feed rate of 267 tons per hour (TPH)). The kiln transforms the raw mix into clinker by a series of processes at extremely high temperatures: evaporation, dehydration, calcinations, and reaction. The raw mix enters the kiln at the elevated end, and combustion fuels are introduced into the lower end of the kiln.

The fuels used to fire the kilns are coal, petroleum coke, natural gas, propane, No. 2 fuel oil, residual oil, on- and off-spec used oil, and a variety of alternative fuel materials. These fuels can be used alone or in combinations with the other fuel sources. Waste oil has been utilized as fuel since 1974. Coal has been used since 1979. Alternative fuels have been used since 2012.

The resulting clinker (approx. 162 TPH) is cooled and ground in the Finish Mills with gypsum and other admixtures to produce the product known as Portland Cement. A raw material process flow diagram is presented on the next page.

RAW MATERIAL FLOW DIAGRAM



Tank Inventory

A list of the Used Oil tanks is provided as Table 1 below. A list of the facility tanks and oil products is provided in Table 2 on the following page. The tank IDs correspond to the Florida Department of Environmental Protection Tank IDs for those tanks that are required to be registered. The storage area number corresponds to the locations depicted on Figure 2 in Attachment 1.

**Table 1 – CEMEX Miami Used Oil Tank Inventory**

Tank ID(s)/ Storage Area	Description	Product	Capacity (gallons)	Containment and Spill Control Features
<b>Refer to Permit Application - Facility Diagram, Attachment 1, Figure 2 for locations</b>				
13/ Area 2	Kiln Day Tank	Waste Oil	30,000	Concrete containment, under roof
5 & 6 Area 15	Bulk Storage	Waste Oil	2 tanks - 633,000 each*	For kiln surrounded by earthen dike, double bottom, on concrete
No tank ID/Area 3	Oil Storage Bldg. Tank	Waste Oil	1,000	Concrete barrier, under roof

62-710.201 Definitions. (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.

\*Note: One of the 633,000 gal tanks (Tank No. 6) is currently empty, but remains in active status.



**Table 2. CEMEX Miami – Tank and Oil Product Inventory**

Area Name <sup>a</sup>	CEMEX FDEP Tank				Type of Material Stored	Status	Year Installed
	Tank ID	ID No. <sup>b</sup>	Legend ID <sup>a</sup>	Size/Capacity			
Drainage Area "A"		--	12	2,000 Gallon Tank	Oil Water	Inactive	1987
Drainage Area "A" - BA		5	15	633,000 Gallon Tank	Waste Oils	Active	1958
Drainage Area "A" - C		6	15	633,000 Gallon Tank	Waste Oils	Active <sup>d</sup>	1958
Drainage Area "A" - D1	9	7	13	25,000 Gallon Tank	Oil Water	Inactive <sup>c</sup>	1990
Drainage Area "A" - D2	10	8	13	25,000 Gallon Tank	Oil Water	Inactive <sup>c</sup>	1990
Drainage Area "A" - D3	11	9	13	25,000 Gallon Tank	Oil Water	Inactive <sup>c</sup>	1990
Drainage Area "A" - D4	12	10	13	25,000 Gallon Tank	Oil Water	Inactive <sup>c</sup>	1990
Drainage Area "A" - E1	13	11	14	25,000 Gallon Tank	Oil Water	Inactive <sup>c</sup>	1990
Drainage Area "A" - E2	15	12	14	25,000 Gallon Tank	Oil Water	Inactive <sup>c</sup>	1990
Drainage Area "A"- Railcar Unloading		--	16	Storage Area	Fuel Oil	Active	--
Drainage Area "B"- Emergency Generator		--	1	500 Gallon Tank	Diesel Fuel	Active	2000
Drainage Area "D" - Old Kiln Fuel Tank		4	9	30,000 Gallon Tank	Vehicular Diesel	Inactive <sup>e</sup>	1958
Drainage Area "B" Fuel Oil Tank		13	2	30,000 Gallon Tank	Waste Oil	Active	2000
Drainage Area "B"-Kiln Day Tank		15	2	12,000 Gallon Tank	Vehicular Diesel	Active	2016
Drainage Area "D"-Pressure Cleaning Facility		--	3	1,000 Gallon Tank	Waste Oils	Active	1984
Drainage Area "D"-Emergency Generator		--	4	110 Gallon Tank	Diesel Fuel	Active	--
Drainage Area "D"-Fueling Station		1	5	20,000 Gallon Tank	Vehicular Diesel	Active	1958
Drainage Area "D"-Oil & Lubricant Storage		--	6	60' x 8" Storage Area	Oil and Lubricant	Active	--
Drainage Area "D"-Emergency Generator	7	--	7	560 Gallon Tank	Diesel Fuel	Active	1958
Drainage Area "D"-Oil & Lubricant Receiving & Stg.		--	8	20' x 40' Storage Area	Oil and Lubricant	Active	--

<sup>a</sup> Refer to Facility Diagram (Attachment 1, Figure 2).

<sup>b</sup> Tank ID from the FDEP tank registrations. Some tanks are not required to be registered and therefore, do not have a tank ID.

<sup>c</sup> As of 12/15/17 the status will be out of service and these tanks will be removed by 2022.

<sup>d</sup> This tank is currently empty, but remains in active status.

<sup>e</sup> This tank is in process of being designated as "out of service" and will be removed by March 2018.

**ATTACHMENT 4**

**FACILITY OPERATION PLAN**

**Includes Used Oil Analysis and Tracking Plan**

#### **ATTACHMENT 4: DETAILED PROCESS DESCRIPTION**

This section addresses the facility's operating plan which includes the following information:

a) An analysis plan which must include at a minimum (40 CFR, Parts 279.53 and 279.55):

(i) Sampling plan, including methods and frequency of sampling and analyses;  
**Refer to attached Used Oil Analysis Plan (see page 2 of this attachment).**

(ii) Fingerprint analysis on incoming shipments, as appropriate; and  
**Refer to attached Used Oil Analysis Plan (see page 2 of this attachment).**

(iii) Representative analyses on outgoing shipments (one batch/lot can equal a shipment, provided the lots are discreet units) to include: metals and halogen content.

**Not applicable—no outgoing shipments**

b) A description of the management of sludges, residues and byproducts. This should include the characterization analysis as well as the frequency of the removal of the sludge. (40 CFR, Parts 279.10(e) and 279.59)

**Not applicable—all materials are consumed in cement-making process**

c) An explanation or copies of the forms used for the purposes of tracking and recording shipments of used oil into and out of the facility. Note: These records must be retained for at least three years and must include (40 CFR, Part 279.56):

(i) For incoming shipments: the name, address and EPA ID number of the delivering transporter, the name, address and EPA ID number (if applicable) of the origin of the used oil, the quantity of used oil accepted, and the date of acceptance; and

**Refer to attached Used Oil Analysis Plan (see page 2 of this attachment).**

(ii) For outgoing shipments: The name, address and EPA ID number of the transporter and end user of the outgoing shipment, the quantity of used oil shipped, and the date of shipment.

**Not applicable—no outgoing shipments**

## **USED OIL ANALYSIS PLAN**

### **Parameters for Analysis**

1. 601 (EPA method 8260B)
2. 602 (EPA method 8260)
3. Total metals (Arsenic, Cadmium, Chromium, Lead)
4. Total Halogens
5. Flash Point (reported in degrees Fahrenheit)

### **Used Oil Analysis Procedure**

CEMEX analyzes used oil (in-house environmental lab) for the following parameters:

- Btu's
- % Water
- Dexsil Kit PCB's
- Total Halogens
- 8 RCRA metals – arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver
- Density
- Viscosity
- Flashpoint

### **Sampling Methods**

Metals are analyzed using a Varian FS220 Atomic Absorption Spectrophotometer.  
The methods are as follows:

Arsenic – EPA method 7061  
Barium – EPA method 7081  
Cadmium – EPA method 7131  
Chromium – EPA method 7191  
Mercury – EPA method 7471 (cold vapor)  
Lead – EPA method 7421  
Selenium – EPA method 7741  
Silver – EPA method 7761

### **Procedures**

When the transport vehicle is escorted to the assigned storage area, the CEMEX representative will secure a sample from the transporter's tanker truck using a sampling syringe. The sample is immediately discharged inside an appropriate plastic container and taken to the CEMEX laboratory for quality control analysis.

The frequency of the initial analysis on the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date. The initial analysis is repeated by the CEMEX laboratory within the next 24 hours of the initial analysis to ensure accuracy and adherence to the existing quality control protocols. The resulting set of data is then reviewed by the Quality Control Manager as soon as the analysis results are available.

#### Calibration Methods

The laboratory equipment is calibrated every single day and prior to each oil analysis. The calibration procedure consists of testing a blank sample followed by five different standards at different concentrations to obtain a curve of best fit. A correlation coefficient of at least 0.995 is required before proceeding with the analysis itself. The entire set of data is then reviewed by the Quality Control Manager according to the specified laboratory standard operating procedures.

#### **The Following Limits Will Apply as Acceptance Criteria:**

- |                   |                                |
|-------------------|--------------------------------|
| 1. Arsenic        | 5.0 ppm                        |
| 2. Cadmium        | 2.0 ppm                        |
| 3. Chromium       | 10 ppm                         |
| 4. Lead           | 100 ppm                        |
| 5. Total Halogens | 1000 ppm                       |
| 6. Flash Point    | 100 degrees Fahrenheit minimum |

#### **Notes:**

1. All petroleum contaminated materials must not be classified as hazardous waste based upon prevailing federal and state regulations
2. Sampling procedures must follow accepted quality assurance practices.
3. CEMEX reserves the right to require additional analysis performed by the Generator, or a designated independent laboratory, prior to acceptance.
4. Once the required information is received from the Generator, CEMEX reviews the data as to its acceptability into the Materials Substitution Program. Upon approval, the oil load is assigned a specific CEMEX control number. This specific number is used to record and track the material through final disposition and generator notifications.

#### **The Receipt of Fuel Oil Deliveries**

- The fuel oil truck driver must weigh-in in the scale house before delivering the load of oil to the dryer.
- Every field in the Used Oil Delivery Record Form will be filled out legibly and the last field signed by the truck driver.
- An oil sample must be taken from the truck either by CEMEX personnel or by the fuel oil truck driver. Accepted sampling criteria and procedures must be strictly followed.
- The oil sample will be taken to the CEMEX Quality Control Laboratory for analysis.
- The fuel truck driver must weigh-out in the scale house before exiting the plant and will leave all his paperwork with the scale house attendant.

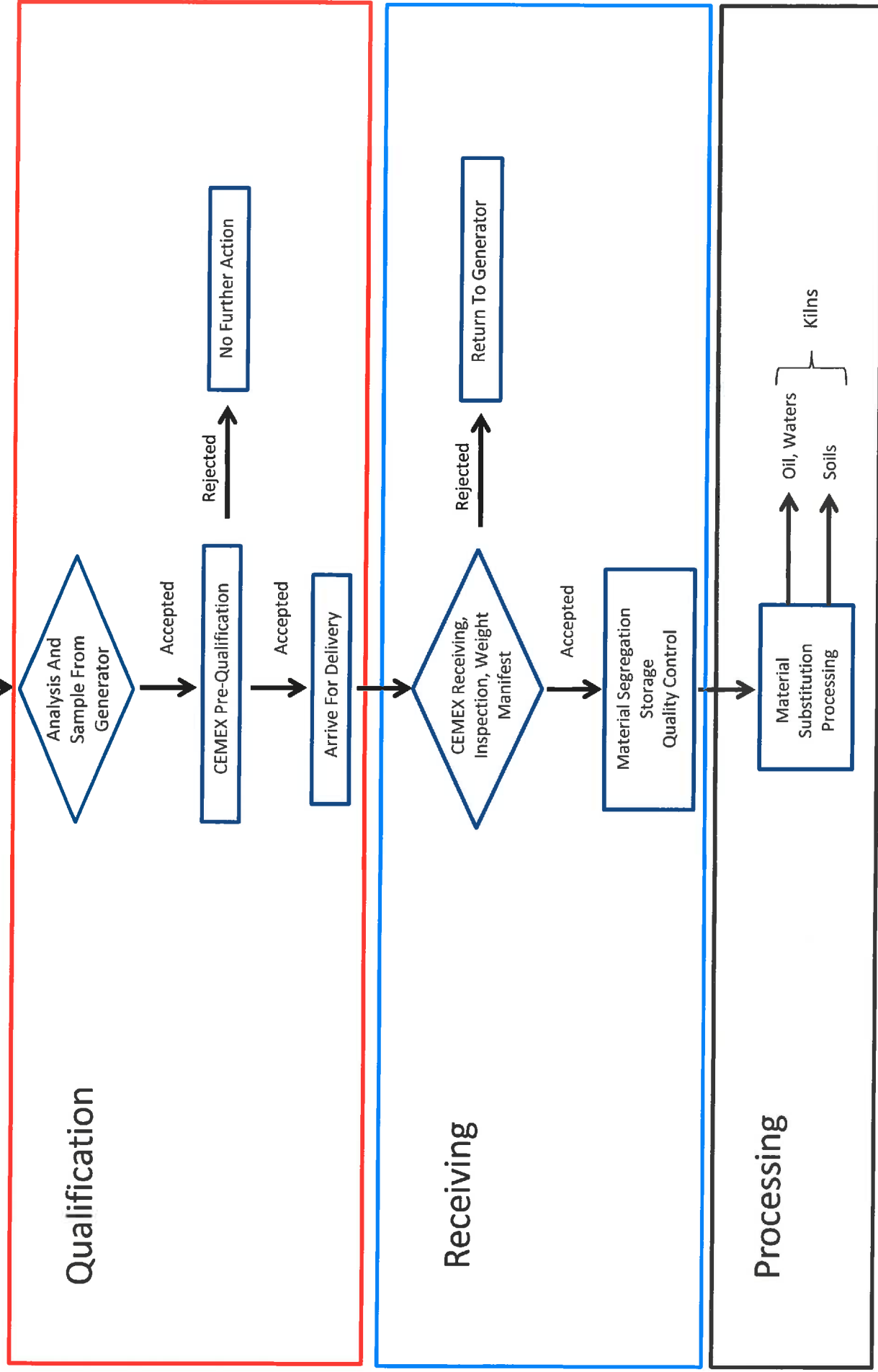
#### **Tracking Plan for Used Oil Deliveries**

- The following information will be recorded in the Used Oil Delivery Record Form: name, address, EPA number of the delivering transporter, origin, destination, quantity, and acceptance date for every shipment of oil.
- The information described in step 1 above, along with the beginning and ending weights of each oil truck, is transferred to a computerized data base.

- A calculation is performed, using the oil density and the weight of the fuel, to verify the accuracy of the amount of gallons of oil delivered to CEMEX.
- The computerized database is backed up daily and its records stored in (a) the designated storage partition on the data server; and (b) optical media, such as RW-CD.

## Quality Control Flow Diagram

Generator Identified



### Used Oil Permit Application Attachment 4

**CEMEX Miami Cement Plant - Material Substitution Program**

## Daily Receiving Report

[illegible]



<b>Cliff Berry, Inc.</b> Environmental Services		<b>Emergency Contact Telephone Number</b> 1-800-899-7745		<b>242383-1</b>	
<b>BILL OF LADING</b>		1. Generator's US EPA ID No. FLD058560699	Manifest Document No. 242383 -1	2. Page 1 of 1	Truck Number
3. Name and Mailing Address Cliff Berry, Inc. PO Box 13079 Ft Lauderdale, FL 33316			PO 20		
4. Phone 954-763-3390					
5. Transporter 1 Company Name CLIFF BERRY, INC.(DANIA)		6. USA EPA ID Number FLR000083071		A. Transporter's Phone 954-763-3390	
7. Transporter 2 Company Name		8. USA EPA ID Number		B. Transporter's Phone	
9. Designated Facility Name and Site Address CEMEX CONSTRUCTION LLC. 1200 MIAMI, FL 33182		10. USA EPA ID Number		C. Facility's Phone 305-225-1423	
11. Shipping Name and Description				12. Containers No.   Type	
				13. Total Quantity	
				14. Unit Wt/Vol	
a. Petroleum oil(Contains Fuel Oil, #5 ), 3, NA1270, PG-III				1	
b.					
c.					
d.					
D. Additional Descriptions for Materials Listed Above 11a: SALE ON-SPEC FUEL OIL				E. Pickup Location CLIFF BERRY INC. MIAMI 3033 NW NORTH RIVER DRIVE MIAMI, FL 33142	
15. Special Handling Instructions and Additional Information SH					
16. CERTIFICATION: This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulation of the Department of Transportation. I certify the materials described above on this manifest are not subject to federal regulations for reporting proper disposal of Hazardous Waste.					
Printed/Typed Name			Signature		
17. Transporter 1 Acknowledgement of Receipt of Materials					
Printed/Typed Name			Signature		
18. Transporter 2 Acknowledgement of Receipt of Materials					
Printed/Typed Name			Signature		
19. Discrepancy Indication Space					
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name			Signature		

**ATTACHMENT 5**

**INTEGRATED CONTINGENCY PLAN (ICP)  
AND SPCC PLAN**

**Includes: Preparedness and Prevention Plan, Contingency Plan, and Portions of  
Unit Management Plan (see also Attachment 6) and Employee Training (see also  
Attachment 7)**

**FOR ATTACHMENT 5 – ICP/SPCC PLAN**

**SEE SEPARATE PDF DOCUMENT**

**ATTACHMENT 6 – UNIT MANAGEMENT PLAN**

#### **Attachment 6: Unit Management Plan**

This plan describes:

- Documentation demonstrating that all aboveground used oil process and storage tanks and containers as well as fill pipes for underground storage tanks are properly labeled with the words “Used Oil.”

**Refer to Attachment 5—ICP/SPCC Plan**

- The management plan description must include documentation which shows that all used oil storage and process tanks and containers meet the following requirements:

a) For containers:

(i) Adequate aisle space;

**Not applicable—tank storage**

(ii) Adequate secondary containment, including design, capacity and specifications; and

**Not applicable—tank storage**

(iii) Inspections and corrective actions.

**Not applicable—tank storage**

b) For tanks:

(i) All aboveground storage and process tanks must meet the requirements of Rules 62-762.500 (Performance Standards for New Storage Tank Systems), 62-762.510 (Performance Standards for Existing Shop-Fabricated storage Tank Systems), 62-762.520 (Performance Standards for Existing Field-Erected Storage Tank Systems), 62-762.600 (General Release Detection Standards), and 62-762.700 (Repairs to Storage Tank Systems). All underground storage and process tanks must meet the requirements of Rules 62-761.500 (Performance Standards for New Storage Tank Systems), 62-761.520 (Performance Standards for Other Existing Petroleum and Petroleum Product storage Systems Non-Vehicular Fuels), 62-761.600 (General Release Detection standards), 62-761.620 (Release Detection Standards for Other Regulated Substance Storage Tanks), 62-761.630 (Release Detection Standards for Integral Piping), and 62-761.700 (Repairs to Storage Tank Systems).

**All above-ground storage and process tanks meet the applicable requirements of Chapters 62-761, F.A.C. and 62-762, F.A.C.**

(ii) All storage and process tanks must have a closure plan that meets the requirements of Rules 62-761.800 (Underground Storage Tank Systems: Out of Service and Closure Requirements) and 62-762.800 (Aboveground Storage Tank Systems: Out of Service and Closure Requirements).

**Refer to Attachment 8—Facility Closure Plan**

(iii) All storage and process tanks must have an inspection or monitoring plan that meets the requirements of Rules 62-761.600 (Underground Storage Tank Systems: General Release Detection Standards) and 62-762.600 (Aboveground Storage Tank Systems: General Release Detection Standards).

**Refer to Attachment 5—ICP/SPCC Plan**

(iv) A plan for the removal of released material and accumulated precipitation from secondary containment

**Not applicable—all released material and accumulated precipitation from secondary containment is incorporated into the cement-making process.**

## **ATTACHMENT 7 – EMPLOYEE TRAINING PROGRAM**

**Attachment 7: Employee Training Program**

a. The methods and/or materials used to familiarize employees with all state and federal rules and regulations.

**Refer to the ICP/SPCC Plan (Attachment 5) and the attached Used Oil Regulatory Training Manual**

b. The method of documenting that employees have been trained to use emergency equipment.

**All employees that are required to undergo the training must sign a training sign-in sheet that is tracked by the General Manager of Environmental Services.**

c. How the employee education program is updated to address changes in applicable regulations or facility operations.

**The training manual and program is updated annually or as necessary to address changes to rules and facility operations.**





MIAMI CEMENT PLANT

# USED OIL REGULATORY TRAINING MANUAL

*Manual Date: 12/5/2012*



KOOGLER & ASSOCIATES, INC.

*ENVIRONMENTAL SERVICES*

*4014 NW 13<sup>th</sup> Street  
Gainesville, Florida 32615  
352-377-5822*

263-12-16

## 1.0 PURPOSE

The purpose of this manual is to ensure that all CEMEX Miami Cement Plant (Facility) employees have an understanding of the Used Oil Management regulations required by the federal government and the State of Florida as per Chapter 40 Part 279 C.F.R., Chapter 403 F.S., Chapter 62-701 and 62-710 F.A.C., (Attachment 1) and in accordance with the used oil permit for the Facility, I.D. No. FLD 981 758 485. This manual (along with the Facility's SPCC Plan) will provide Facility employee's with the knowledge of the regulations as it applies to used oil and other petroleum products.

## 2.0 DEFINITIONS

"Oily Waste" – means those materials, which are mixed with used oil and have become separated from that used oil. Oily wastes also mean materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil.

"Processing" – means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

"Processor" - means any person processing used oil. The term also includes any transfer facility that stores used oil for longer than 35 days at a time, any used oil marketer who receives used oil from transporters or who has at least 25,000 gallons of used oil storage capacity, and any person who blends used oil with on-specification used oil fuel or with virgin petroleum products for the purpose of producing on-specification used oil fuel.

"Used Oil" – means any 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.

“Used Oil Fuel Marketer” – means any person who conducts either of the following activities: (1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or (2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications.

“Used Oil Transporter” – means any person who transports for hire used oil over public highways in shipments greater than 55 gallons at one time.

### **3.0 APPLICABILITY (279.40) (62-710.300)**

Anyone who handles used oil is subject to Federal and State law on the management of used oil. Listed below are entities that are regulated by their handling of used oil:

- Generators of used oil
- Private and public used oil collection centers and aggregation points
- Used oil transporters and transfer facilities
- Burners who burn off-specification used oil for energy recovery
- Marketers

### **4.0 PROHIBITIONS (62-710.401)**

Handlers of used oil must comply with federal and state laws when managing used oil. Used oil must be handled properly to ensure proper management and to minimize the risk to the environment.

State and federal environmental regulations prohibit the unauthorized discharge or management of used oil in a way that could harm the environment.

No used oil or oil waste can be discharged into:

- Soils

- Sewers
- Drainage systems
- Septic tanks
- Surface or ground waters
- Watercourses
- Marine waters

Except as outlined below, used oil shall not be mixed or comingled with solid waste that is to be disposed of in landfills and shall not directly be disposed of in landfills.

- 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 Florida Department of Environmental Protection (FDEP) rules, local ordinances, or landfill policies may prohibit the disposal of such materials.
- To dispose of solid waste mixed with used oil in a landfill which is otherwise prohibited, contact the FDEP to discuss the proposed action and to determine what procedures may be necessary.
- Any person who unknowingly disposes into a landfill any used oil, including used oil filters which have not been properly segregated or separated from other solid wastes by the generator, is not guilty of a violation under Chapter 62-710 F.A.C. This provision is applicable to landfill operators who unknowingly accept such wastes for disposal.

Used oil cannot be used for:

- Dust suppressant
- Weed abatement
- Any other use that has the potential for release into the environment

Storage of Used Oil:

- Tanks or containers must be clearly labeled with the words “used oil” and must be 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.

## **5.0 REGISTRATION AND NOTIFICATION (62-710.500)**

The Facility shall register their used oil handling activities annually with the FDEP using Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date January 4, 2009. This Form can be obtained on-line at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-730.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

The registration shall be valid from July 1 of the year of registration or renewal until June 30 of the following year. The Facility shall display the validated registration form and identification number in a prominent place.

## **6.0 RECORD KEEPING AND REPORTING (62-710.510)**

CEMEX has an internal material identification and handling process to track in-coming and out-going petroleum products. Along with material identification, CEMEX utilizes a bill of lading/manifest system to track used oil transactions. The Facility must maintain records on FDEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the FDEP form. These records shall include the following information:

- Name, business address, telephone number, EPA identification number of the transporter;
- Source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one;
- The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment;

- The type of used oil received, using the type code designation found in the form instructions;
- The date of receipt;
- The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and
- Documentation of halogen screening.

The records must be maintained for a minimum of three years at the Facility and be available for inspection by federal or state regulators during normal business hours. No later than March 1 of each year, the Facility shall submit an annual report of the used oil handling activities for the preceding calendar year to the FDEP on Form 62-710.901(3).

## **7.0 USED OIL PROCESSORS (62-710.800)**

This Rule shall apply to any owner or operator of a facility that processes used oil. An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a permit issued by the FDEP in accordance with Chapter 62-710 F.A.C. The CEMEX Miami Cement Plant is required to maintain a permit as a Used Oil Processing Facility. Under this permit, the Facility is authorized to process used oil, oily wastewater and petroleum contact water. Refer to the permit for general, standard, and specific conditions. At the time this employee training manual was updated, the existing permit (56307-HO-003) was in the process of being renewed.

Before operating, closing or making any substantial modification to a used oil processing facility, the owner or operator shall submit to the FDEP the Used Oil Processing Facility Permit Application, DEP Form 62-710.901(6). The engineering aspects of the application shall be certified by a Professional Engineer.

Processing does not include the removal of used oil from wastewater solely for the purpose of making the wastewater or stormwater acceptable to meet discharge limits in other permits. However, the used oil generated from such activity is regulated. Sediment material removed from an oil/water separator for disposal is subject to the requirements

of Chapter 62-730, F.A.C.

## **8.0 MANAGEMENT OF USED OIL FILTERS**

Used oil filters shall not be disposed of or commingled with other solid waste for disposal in a landfill in Florida. It is the responsibility of the Facility to make reasonable efforts to assure that such filters are not disposed of in a landfill. The Facility shall ensure that its filters are transported by a registered used oil filter transporter and processed by a registered used oil filter processor or end user.

Used oil filters shall be stored in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface. Upon detection of a release of oil from any used oil filter container the facility owner or operator shall:

1. Stop the release;
2. Contain the released oil;
3. Clean up and manage properly the released oil and any subsequent oily waste in accordance with the provisions of Chapter 770, F.A.C., if applicable; and
4. Repair or replace any leaking used oil filter storage containers prior to returning them to service.

## **9.0 SPILL PREVENTION CONTROLS AND COUNTERMEASURES**

The Facility maintains a separate SPCC Plan, which is incorporated into the Integrated Contingency Plan (ICP). Please refer to that document for spill prevention, control, response and employee training details and procedures.

## **10.0 EMPLOYEE TRAINING (62-710.600)**

Facility employees will be trained on an annual basis to ensure that personnel, as applicable to their position, have a clear understanding of both the federal and state regulations on the management of used oil. Employee training shall also include spill prevention, control and response procedures and use of emergency equipment as

applicable. The employee training program is evaluated and updated periodically to address changes in applicable regulations and/or changes to Facility operations and procedures.

Employee Training documents regarding the handling of petroleum products include the Facility's SPCC Plan, an overview of the Facility's SPCC Plan as a Power Point Presentation, FDEP Used Oil Fact Sheets (Attachment 2), and this manual.

The Facility maintains a record of training in the company's files and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. The records shall be retained for a minimum of three years and available for review by FDEP personnel during inspections.





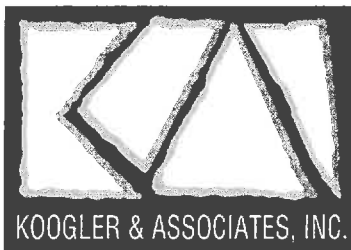
MIAMI CEMENT PLANT

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# ATTACHMENT 1

## USED OIL MANAGEMENT

*Manual Date: 12/5/2012*



KOOGLER & ASSOCIATES, INC.

*ENVIRONMENTAL SERVICES*

*4014 NW 13<sup>th</sup> Street*

*Gainesville, Florida 32615*

*352-377-5822*

## CHAPTER 62-710 USED OIL MANAGEMENT

62-710.201	Definitions
62-710.210	Documents Incorporated by Reference
62-710.300	Applicability (Repealed)
62-710.401	Prohibitions
62-710.500	Registration and Notification
62-710.510	Record Keeping and Reporting
62-710.600	Certification Program for Used Oil Transporters
62-710.800	Permits for Used Oil Processing Facilities
62-710.850	Management of Used Oil Filters
62-710.901	Forms

### **62-710.201 Definitions.**

In addition to applicable definitions in Rule 62-701.200, F.A.C., and the definition of “used oil” in Section 403.75(7), F.S., the following words, phrases, or terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(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 sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil.

(2) “Processing” means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes blending used oil with virgin petroleum products, blending used oils to meet the fuel specification found in 40 C.F.R. Part 279.11 [as adopted in subsection 62-710.210(2), F.A.C.], filtration, simple distillation, chemical or physical separation and rerefining.

(3) “Processor” means any person processing used oil. The term also includes any transfer facility that stores used oil for longer than 35 days at a time, any used oil fuel marketer who receives used oil from transporters and who has at least 25,000 gallons of used oil storage capacity, and any person who blends used oil with on-specification used oil fuel or with virgin petroleum products for the purpose of producing on-specification used oil fuel.

(4) “Public used oil collection center” means:

(a) An automotive service facility or government-sponsored collection facility which accepts for disposal small quantities of used oil from households, or

(b) A facility which stores used oil and which accepts small quantities of used oil from households.

(5) “Used oil transporter” means any person who transports used oil over public highways, any person who collects used oil from more than one generator and transports the collected oil over public highways, and owners and operators of used oil transfer facilities.

(6) “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.

(7) “Used oil filter processor” means a person who removes oil from used oil filters to prepare them for recycling. Generators of used oil filters who consolidate, drain or crush used oil filters for off-site recycling are not used oil filter processors providing the generator complies with the requirements of subsection 62-710.850(2), F.A.C.

(8) “Used oil filter transporter” means any person who transports, over public highways, for hire used oil filters to a used oil filter transfer or processing facility.

(9) “Used oil filter transfer facility” means any facility which is used to store, for more than 10 days, used oil filters which were not generated at that facility. A person who stores its own used oil filters generated at its own non-contiguous operations on its own property is not considered a used oil filter transfer facility provided the used oil filters are processed by a registered used oil filter processor.

(10) “Used oil fuel marketer” means any person who conducts either of the following activities:

(a) Directs a shipment of off-specification used oil from their facility to a used oil burner, or

(b) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 C.F.R.

Part 279.11 [as adopted in subsection 62-710.210(2), F.A.C.].

(11) "Used oil transfer facility" means any transportation related facility including loading docks, parking areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation over public highways. Transfer facilities that store used oil for more than 35 days are "processors" as defined in subsection 62-710.201(3), F.A.C., and are subject to regulation under subpart F of 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.]

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.703, 403.75, 403.760, 403.767, 403.769 FS. History—New 6-9-05, Amended 4-23-13.*

#### **62-710.210 Documents Incorporated by Reference.**

(1) General provisions relating to solid waste management may be found in Chapter 62-701, "Solid Waste Management Facilities," F.A.C., including statements of intent, definitions, prohibitions, general permitting requirements, alternate procedures, and forms. Except where the context indicates otherwise, these general provisions apply to this chapter.

(2) The Department adopts by reference 40 C.F.R. Part 279 revised as of July 1, 2012, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02188>), which contains the federal standards for the management of used oil. It is the intent of the Department to interpret these standards in a manner consistent with interpretations promulgated by the United States Environmental Protection Agency, except when such interpretations conflict with Florida law.

(3) "On-specification used oil fuel" means any used oil which meets the requirements of 40 C.F.R. Part 279.11 [as adopted in subsection 62-710.210(2), F.A.C.]. Used oil fuel containing PCBs at a concentration equal to or greater than 2 ppm, but less than 50 ppm, is regulated under 40 C.F.R. Part 761.20(e) and burned only in boilers or industrial furnaces as defined in 40 C.F.R. Part 260.10 [as adopted in subsection 62-730.020(1), F.A.C.] and identified in 40 C.F.R. Part 279.61 [as adopted in subsection 62-710.210(2), F.A.C.]. Used oil containing PCBs at a concentration equal to or greater than 50 ppm is fully subject to the requirements of the Toxic Substances Control Act found in 40 C.F.R. Part 761. Blending used oil for the purpose of reducing the concentration of PCBs to below 50 ppm is prohibited in accordance with the provisions of 40 C.F.R. 279.10(i) [as adopted in subsection 62-710.210(2), F.A.C.] and 761.20(e).

(4) References in 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] to 40 C.F.R. Part 262 [as adopted in subsection 62-730.160(1), F.A.C.] shall mean rules adopted by the Department regarding generators of hazardous wastes; reference to 40 C.F.R. Part 263 [as adopted in subsection 62-730.170(1), F.A.C.] shall mean rules adopted by the Department regarding transporters of hazardous waste; reference to 40 C.F.R. Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 265 [as adopted in subsection 62-730.180(2), F.A.C.] shall mean rules adopted by the Department regarding treaters, storers and disposers of hazardous wastes; references to 40 C.F.R. Part 266 [as adopted in subsection 62-730.181(1), F.A.C.] shall mean rules adopted by the Department regarding standards for the management of specific hazardous waste; and references to Section 3010 of RCRA shall mean notification requirements of Florida Law. The above-mentioned Department rules are found in Chapter 62-730, "Hazardous Waste," F.A.C.

(5) When the same word, phrase, or term is defined in Rule 62-710.201, F.A.C., and 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] and the definitions are not identical, the definitions as given in Rule 62-710.201, F.A.C., shall apply.

(6) Unless specifically indicated otherwise, when used in any such provisions as adopted from 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.], United States shall mean the State of Florida, EPA shall mean the Department, and Administrator or Regional Administrator shall mean the Secretary of the Department or the Secretary's designee, where appropriate.

(7) Any reference to 40 C.F.R. Parts 124 or 270 as adopted by reference in 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] shall mean the permitting provisions in Chapter 62-4 or 62-730, F.A.C., or Section 403.722, F.S.

(8) Any reference to the Resource Conservation and Recovery Act of 1976 (RCRA) as adopted by reference in 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.] shall be construed to refer to comparable provisions of the Florida Resource Recovery and Management Act as established in Part IV of Chapter 403, F.S.

*Rulemaking Authority 403.061, 403.704, 403.7545, 403.8055 FS. Law Implemented 403.704, 403.7545 FS. History—New 6-8-95, Amended 12-23-96, 3-25-97, 6-9-05, 1-4-09, 4-23-13.*

#### **62-710.300 Applicability.**

#### **62-710.401 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.

(b) Any person wishing to dispose of solid waste mixed with used oil in a landfill which is otherwise prohibited by this subsection may apply to the Department for approval of alternate procedures in accordance with Rule 62-701.310, F.A.C. If the basis for the request is that it is impractical to separate the used oil from the solid waste, the request may be submitted without a fee.

(c) Any person who unknowingly disposes into a landfill any used oil, including used oil filters which have not been properly segregated or separated from other solid wastes by the generator, is not guilty of a violation under this subsection. This provision is applicable to landfill operators who unknowingly accept such wastes for disposal.

(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.

(6) No person may store used oil in tanks or containers unless they are clearly labeled with the words “used oil,” are in good condition (no severe rusting, apparent structural defects or deterioration), and not leaking (no visible leaks). 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. For underground storage tanks with capacities greater than 110 gallons and above ground storage tanks with capacities greater than 550 gallons, the facility shall comply with Chapters 62-761 and 62-762, F.A.C.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.751 FS. History—New 6-9-05, Amended 4-23-13.*

#### **62-710.500 Registration and Notification.**

(1) The following persons shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02074>). This Form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-730.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(a) Used oil transporters, except for the operations listed in 40 C.F.R. 279.40(a)(1)-(4), [as adopted in subsection 62-710.210(2), F.A.C.], and transfer facilities;

(b) Used oil processors, except as provided under Section 403.754(3), F.S., for certain onsite burners where such burning is done in compliance with an air permit issued by the department;

(c) Used oil fuel marketers who sell used oil fuel; and,

(d) Used oil burners of off-specification used oil.

(2) The registration form shall be accompanied by a registration fee of \$100.00 per facility. It is not necessary to submit more than one form or fee if registering more than one activity, or if the registration is for an entire transportation fleet operating out of one facility site. The registration form and fee shall be due by March 1 of each year. The registration fee is waived for used oil processing facilities for which a permit fee was paid under Rule 62-710.800, F.A.C.

(3) Upon receipt of the complete and accurate Form 62-730.900(1)(b) as adopted by reference in subsection 62-710.500(1), F.A.C. and registration fee, the Department shall issue to each registered person a validated registration form which shall be valid until June 30 of the following year. For used oil transporters, acknowledgment of registration shall be included in the certification process of Rule 62-710.600, F.A.C. If the registration is not renewed by June 30 of the following year because the Department has not received complete and accurate registration renewal documents and the registration fee, the facility will no longer be authorized to transport, or market used oil, or used oil filters, or burn off-specification used oil.

(4) Each registered person shall display the validated registration form and identification number in a prominent place at each facility location.

(5) Each public used oil collection center shall notify the Department no later than 30 days after first accepting used oil from the public on DEP Form 62-710.901(5), "Public Used Oil Collection Center Notification and Annual Report," effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02071>). This form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-710.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The Department shall acknowledge filing of the notification within 30 days of receipt.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.704, 403.754, 403.760 FS. History—New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90, Formerly 17-710.500, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05, 1-4-09, 4-23-13.*

#### **62-710.510 Record Keeping and Reporting.**

(1) Each registered person shall maintain records on DEP Form 62-710.901(2), "Used Oil and Used Oil Filter Record Keeping Form and Instructions," effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02069>), or on substantially equivalent forms which contain at least the same information as the Department form. This form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-710.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. These records shall include the following information:

- (a) The name, business address, telephone number and EPA identification number of the transporter;
- (b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one;
- (c) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment;
- (d) The type of used oil received, using the type code designation found in the form instructions;
- (e) The date of receipt;
- (f) The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and,
- (g) Documentation of halogen screening in accordance with the requirements of 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.].

(2) Transporters shall maintain documentation of all shipments of used oil, including those accepted for transport as well as those refused due to suspected mixing with hazardous waste. A copy of this record shall be left with the generator.

(3) A generator of used oil that transports only its own used oil generated at its own non-contiguous operations to its own central collection facility for storage prior to having its used oil picked up by a certified used oil transporter is not subject to the record keeping and reporting requirements of this section.

(4) The records required by this section shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours, unless another location and inspection schedule is specified in the registration package submitted to the Department.

(5) No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3), "Annual Report by Used Oil and Used Oil Filter Handlers," effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02070>). This form can be obtained on the internet at



[http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-710.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The report shall summarize the records kept pursuant to this section.

(6) No later than July 1 of each year, each public used oil collection center shall submit to the Department an estimate of the quantity of used oil accepted from the public during the previous calendar year. The Department shall advise each public used oil collection center of this requirement by June 1 of each year.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.754, 403.760 FS. History—New 2-25-85, Formerly 17-7.64, 17-7.640, Amended 1-17-90, Formerly 17-710.510, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05, 4-23-13.*

#### **62-710.600 Certification Program for Used Oil Transporters.**

(1) Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become certified pursuant to this section. This section shall not apply to:

(a) Any local governments or private solid waste hauler under contract to a local government that transports used oil collected from households to a public used oil collection center, or

(b) Any used oil transporter that transports its own used oil, which is generated at its own noncontiguous facilities, to its own central collection facility for storage, processing, or energy recovery. However, such used oil transporter shall provide the proof of financial responsibility required in paragraph (2)(e), of this rule.

(c) Any used oil transporter that always transports less than 55 gallons of used oil, at any time, that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle. For the purposes of this certification, totally enclosed means covered or otherwise protected from the weather.

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

(a) Register annually with the Department and comply with the annual reporting and record keeping requirements pursuant to Rules 62-710.500 and 62-710.510, F.A.C.;

(b) Show evidence of familiarity with applicable state laws and rules governing used oil transportation by submitting a certification that the used oil transporter is familiar with applicable Florida and federal laws and rules governing used oil transportation, and has an annual and new employees training program in place covering the applicable rules;

(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 certification in conjunction with the annual registration required under Rule 62-710.500, F.A.C., which states that the used oil transporter is familiar with applicable Florida and federal laws and rules governing used oil transportation, has an annual and new employees training program in place covering the applicable rules that is still operating and is being adhered to and is 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; and,

(e) Have, verify, and maintain vehicle insurance with a combined single limit of no less than \$1,000,000.00. Such insurance, or additional policy, must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs.

1. The insurance required in this paragraph may be established by:

a. Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible (with the deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten percent of the equity of the business), using DEP Form 62-730.900(5)(a), "State of Florida Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler," effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02081>). This form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-730.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The insurance policy shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. If the facility has an up-to-date DEP Form 62-730.900(5)(a) on file with the Department, an ACORD form will be accepted for renewal of the same policy with the same carrier if the information on the ACORD form matches the DEP Form 62-

730.900(5)(a) the Department has on file for the facility, including the policy number, or the Department has received documentation from the insurance company certifying that the liability policy has not changed along with the ACORD form; or

b. For business entities registered in Florida, evidence of self-insurance provided by the chief financial officer of the business entity.

2. States and the federal government are exempt from the requirements of this paragraph.

(3) The Department shall issue a certification to each transporter that provides reasonable assurance of compliance with the requirements of this section, which shall be valid for the current registration period.

(4) The revocation provisions of Section 403.087(7), F.S., apply to certified used oil transporters. That statute authorizes revocations in accordance with the procedural requirements of Section 120.60, F.S., upon a finding by the Department that such transporter:

(a) Has submitted false or inaccurate information in its application;

(b) Has violated statutes which the Department is authorized to enforce, Department orders, rules, or certification conditions;

(c) Has failed to submit reports or other information required by Department rule or permit condition, or

(d) Has refused to allow inspection of its records or equipment by Department personnel or other persons when such inspection is authorized by Department rule or permit condition.

*Rulemaking Authority 403.061, 403.704, 403.767 FS. Law Implemented 403.767 FS. History—New 1-17-90, Formerly 17-710.600, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05, 4-23-13.*

#### **62-710.800 Permits for Used Oil Processing Facilities.**

(1) This rule shall apply to any owner or operator of a facility that is a processor of used oil. The owner or operator shall comply with the requirements of this chapter including the requirements of 40 C.F.R. Part 279 Subpart F.

(a) Processing does not include the removal of used oil from wastewater solely for the purpose of making the wastewater or stormwater acceptable to meet discharge limits in other permits. However, the used oil generated from such activity is subject to this chapter. Sediment material removed from an oil/water separator for disposal is subject to the requirements of Chapter 62-730, F.A.C.

(b) Permits shall not be required under this section for generators who aggregate their own used oil with virgin oil or on-specification used oil for purposes of burning on-specification used oil fuel at the aggregation site, provided a valid air permit authorizing such burning is in effect for the facility.

(c) Permits shall not be required under this section for facilities that conduct processing operations incidental to burning the used oil fuel onsite, provided a valid air permit authorizing such burning is in effect for the facility and all of the used oil fuel is burned onsite.

(2) An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a permit issued by the Department in accordance with this chapter.

(3) Before operating, closing or making any substantial modification to a used oil processing facility, the owner or operator shall submit to the Department the Used Oil Processing Facility Permit Application, DEP Form 62-710.901(6), "Used Oil Processing Facility Permit Application," effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02072>). This form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-710.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The engineering aspects of the application shall be certified by a Professional Engineer.

(a) Pursuant to subsections 62-4.050(6) and (7), F.A.C., a substantial modification means a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. For purposes of this subsection, an increase in storage capacity of the facility by 25% or 25,000 gallons, whichever is less, is considered a substantial modification.

(b) Pursuant to paragraph 62-4.050(4)(s), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.

(c) Changes at a facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the

Department, and require no permit fee. Facility operators are advised to contact the Department if they have questions as to whether a change would be considered routine maintenance.

(4) Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a used oil processor permit application, including a permit renewal application, is \$2,000.00. The fee for a substantial modification to the permit is \$500.00. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.

(5)(a) The owner or operator of a used oil processing facility shall have and submit to the Department as part of its permit application a written closure plan to show how the facility will be closed to meet the following requirements:

1. There will be no need for further facility maintenance,
2. Used oil will not contaminate surface or ground water; and,
3. All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed.

(b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.

(c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.

(d) The owner or operator shall notify the Department in writing at least 60 days prior to the scheduled date of closing the facility.

(e) Within 30 days after closing the facility, the owner or operator shall submit a certification of closure completion to the Department which demonstrates that the facility was closed in substantial compliance with the detailed closure plan. In addition to the professional certifications required by rules promulgated pursuant to Section 376.30701, F.S., the certification shall be signed by the owner or operator of the facility. Within 30 days of determining that the facility was closed in accordance with its closure plan, the Department shall release the facility from its financial assurance obligations.

(6) Financial assurance.

(a) The owner or operator of a used oil processing facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimate for the facility. This proof, along with the closing cost estimate, shall be submitted to the Department as part of the permit application process for the facility. Proof of financial assurance shall consist of either a surety bond guaranteeing payment or a surety bond guaranteeing performance, which complies with the requirements of Rule 62-701.630, F.A.C. An owner or operator may request an alternate proof of financial assurance in lieu of, or in combination with, the requirement for a surety bond, consisting of one or more of the following financial instruments which comply with the requirements of Rule 62-701.630, F.A.C.: trust fund; irrevocable letter of credit; insurance; or financial test and corporate guarantee. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g) or (h), as appropriate.

(b) For the purpose of determining the closing cost estimate, the owner or operator shall estimate the total cost of closing the facility using Form 62-710.901(7), "Used Oil Processing Facility Closing Cost Estimate Form," effective date 4-23-13, which is hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02073>). This form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-710.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400], and in accordance with the closure plan pursuant to subsection (5), of this rule, for the time period in the facility operation when the extent and manner of its operation make closing most expensive. The owner or operator shall submit the estimate, together with all necessary justification, to the Department along with the proof of financial assurance. The costs shall be estimated and certified by a professional engineer for a third party to perform the work, on a per unit basis, with the source of estimates indicated. The owner or operator shall keep the latest closing cost estimate at the facility. When this estimate has been adjusted in accordance with paragraph (c), of this subsection, the latest adjusted closing cost estimate shall also be kept at the facility.

(c) The owner or operator shall annually adjust the closing cost estimate for inflation and changes in the closure plan, and shall submit updated information to the Department between January 1 and March 1 of each year. Such adjustments shall be made either by:

1. Recalculating the maximum cost of closing, in current dollars, or
2. Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.



(d) If the value of the funding mechanism is less than the total amount of the current closing cost estimate, the owner or operator shall revise the funding mechanism to reflect the new estimate.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.704, 403.707, 403.769 FS. History—New 1-17-90, Formerly 17-710.800, Amended 6-8-95, 12-23-96, 6-9-05, 4-23-13.*

#### **62-710.850 Management of Used Oil Filters.**

(1) Prohibition. No person who removes or manages used oil filters shall dispose of such filters, or commingle such filters with other solid waste for disposal, in a landfill in Florida. It is the responsibility of the generator to make reasonable efforts to assure that such filters are not disposed of in a landfill. This prohibition shall not apply to used oil filters generated by individual households.

(2) Generators. Each generator of used oil filters whose solid waste is typically disposed of in a landfill shall either register as a used oil filter processor or shall ensure that its filters are transported by a registered used oil filter transporter and processed by a registered used oil filter processor or end user. This does not include persons who recycle engine blocks on which used oil filters remain. Generators of used oil filters are exempt from the registration and reporting requirements of this rule provided that they transport their own used oil filters in sealed containers of 55 gallons or less which are secured to a vehicle owned by the generator.

(3) Registration. The following persons shall register with the Department in accordance with the requirements of subsections 62-710.500(2) and (4), F.A.C.:

(a) Used oil filter transporters;

(b) Used oil filter transfer facilities;

(c) Used oil filter processors; and,

(d) End users of used oil filters, including scrap metal dealers, metal foundries, waste-to-energy (WTE) facilities, and thermal processing units such as cement kilns, who accept used oil filters from a person who is not a registered used oil filter processor. An end user shall not be required to comply with the provisions of this section with respect to used oil filters that have been obtained from a registered used oil filter processor.

(4) Used oil filter processors.

(a) Each registered used oil filter processor shall maintain records on Form 62-710.901(2) as adopted by reference in subsection 62-710.510(1), F.A.C., or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the destination or end use of the processed used oil filters, including the name and street address of each destination or end user.

(b) The records required by this subsection shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours.

(c) No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(3) as adopted by reference in subsection 62-710.510(5), F.A.C. This report shall summarize the records kept pursuant to paragraph (a), of this subsection.

(5) General requirements for the storage of used oil filters.

(a) All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.

(b) Upon detection of a release of oil from any used oil filter container the facility owner or operator shall:

1. Stop the release,

2. Contain the released oil,

3. Clean up and manage properly the released oil and any subsequent oily waste in accordance with the provisions of Chapter 770, F.A.C., if applicable; and,

4. Repair or replace any leaking used oil filter storage containers prior to returning them to service.

*Rulemaking Authority 403.061, 403.704 FS. Law Implemented 403.751, 403.754, 403.769 FS. History—New 6-8-95, Amended 12-23-96, 6-9-05, 1-4-09, 4-23-13.*

#### **62-710.901 Forms.**

The form is listed by rule number, which is also the form number, and with the subject, title and effective date. The forms can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-710.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm) or by contacting the Hazardous

Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) [reserved].

(2) Used Oil and Used Oil Filter Record Keeping Form and Instructions, effective 4-23-12, which is adopted and incorporated by reference in subsection 62-710.510(1), F.A.C.

(3) Annual Report by Used Oil and Used Oil Filter Handlers, effective 4-23-12, which is adopted and incorporated by reference in subsection 62-710.510(5), F.A.C.

(4) [reserved].

(5) Public Used Oil Collection Center Notification and Annual Report, effective 4-23-12, which is adopted and incorporated by reference in subsection 62-710.500(5), F.A.C.

(6) Used Oil Processing Facility Permit Application, effective 4-23-12, which is adopted and incorporated by reference in subsection 62-710.800(3), F.A.C.

(7) Used Oil Processing Facility Closing Cost Estimate Form, effective 4-23-12, which is adopted and incorporated by reference in paragraph 62-710.800(6)(b), F.A.C.

*Rulemaking Authority 120.53(1), 403.061 FS. Law Implemented 403.754, 403.769 FS. History—New 12-23-96, Amended 6-9-05, 1-4-09, 4-23-13.*

## Management of Sorbent Materials

April 27, 1998

Used Oil is regulated under Chapter 62-710 of the Florida Administrative Code (F.A.C.), Used Oil Management.

Any oil sorbent material is defined, under the definitions in Rule 62-701.200 (76), F.A.C., as an oily waste which may be tested and discarded in a manner which is in compliance with other state and local requirements. Rule 62-701.300(8) and (11), F.A.C., allows for the landfill disposal of oily wastes unless prohibited in other department rules. In short, oily wastes can be sent to landfills for disposal unless they contain free liquids, are hazardous wastes, or are prohibited by local government regulations.

The Department recommends that as little of this material be generated as possible. *As a point of reference only, as it is not found in any used oil regulations, the concept of de minimus may be helpful.* A de minimus quantity of hazardous waste is defined in Chapter 40, Part 261.3(a)(IV)(D) of the Code of Federal Regulations (CFR) as " losses ... from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packages and seals ..."

Using this reference, quantities of used oil contaminated sorbent generated in lieu of normal maintenance (e.g. using sorbent to control used oil from a leaking valve, rather than fixing the valve) would generate a large quantity of contaminated sorbent material which would not be considered to be de minimus.

Accumulating large quantities of oily waste may require additional TCLP testing which is expensive and not considered a Best Management Practice. If the oily waste does test hazardous, the material must be managed as a hazardous waste.

If a waste is determined to be hazardous, and is destined for burning for energy recovery, it is regulated under 40 CFR Subpart H, Hazardous Waste Burned in Boilers and Industrial Furnaces.

Waste-to-Energy Facilities are prohibited from burning any hazardous waste. A Waste-to-Energy facility must manage its process within the limits of its Air Permit. To accomplish this, the facility has the right to refuse acceptance of a particular waste, regardless of the hazardous determination. This includes any type of sorbent material.



MIAMI CEMENT PLANT

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## ATTACHMENT 2

# FDEP USED OIL FACT SHEETS

*Manual Date: 12/5/2012*



*ENVIRONMENTAL SERVICES*  
4014 NW 13<sup>th</sup> Street  
Gainesville, Florida 32615  
352-377-5822

263-12-16

## **FLORIDA FACT SHEET ON USED OIL IN THE ENVIRONMENT**

**8/15/95**

- Because of the many special additives used in the production of motor oil for today's high performance engines, as well as the contaminants picked up in use through the engine, used oil can be more environmentally damaging than crude oil pollution.
- When released on land, used oil tends to migrate through the soil, stressing soil microbes and other small organisms. Loss of these organisms reduces nutrient cycles and can stress the plant foundation of the food chain.
- On water, oil spreads across the surface and eventually settles (as a tar-like substance) on the bottom. In both cases, plants, microbes, invertebrates and other organisms become stressed as the oil clogs breathing mechanisms, interferes with temperature regulation and may accumulate in some tissues, such as muscle.
- Oil contaminants in tissues make the organism unfit for human consumption. If not consumed by humans, the contaminants may be passed along (and concentrated through) the food chain, contributing to environmental degradation.
- 90% of all economically important seafood spend at least part of their life in estuarine systems (coastal areas where sea salt water mixes with run-off fresh water), which are very susceptible to pollution caused by oil spills.
- One pint of oil in a body of water can produce an oil slick that will cover one acre (approximately the area of a football field).
- Oil on water interferes with photosynthesis and gas exchange at the surface, reducing oxygen levels.
- It may take up to twenty years for an aquatic system to recover from an oil spill.
- One part of oil per million parts of water (1 ppm - about one drop of oil in a bathtub full of water) can produce odors and tastes noticeable to humans.
- 35 parts per million (ppm) of oil can cause an oil slick visible to the human eye.
- One gallon of oil can render one million gallons of fresh water (one year's supply for 50 people) undrinkable.

## **Management of Gasoline Fuel Filters**

**July 26, 1995**

If the gasoline entrapped within a used fuel filter is to be disposed of, it is then solid waste and could (probably would) test out as hazardous for, at least, ignitability and benzene. If the gasoline entrapped within a used fuel filter is destined for recycling as a commercial chemical fuel (e.g. mixed with used oil) by burning for energy recovery, it is not discarded and is not, therefore, a hazardous waste, according to Federal Register, Vol. 50, No. 230, November 29, 1985, p. 49179.

The metal and paper portions of the fuel filter casing could qualify for the scrap metal recycling exemption found in Chapter 40, Part 261.6 (a) (3) (iii).

Used fuel filters destined for recycling would be exempted from the manifesting and permitting requirements of the hazardous waste management regulations.

Generators of used fuel filters should drain them of all free flowing liquid prior to shipping. Due to the low flash point of gasoline, the generator should store them safely, allowing for the venting of any pressure build-up, and protecting the storage area from the possibility of sparks.

## Oily Wastes, Sorbent Clays ("kitty litter"), Oily Rags, Organic Sorbent Material:

[Rule 62-710.201(1), F.A.C.]

"Oily wastes" means those materials which are mixed with used oil and have become separated from that used oil.

These materials may be landfilled provided that:

- it is not prohibited in other Department rules or local ordinances
- the amount generated is "de minimus" (a small amount)
- it is the result of minor leaks or spills resulting from normal process operations\*
- all free-flowing oil has been removed to the practical extent possible

\*leaks and spills should be repaired immediately

### Storage of used oil filters

[Rule 62-710.850, F.A.C.]



Used oil filters must be stored in above ground containers which are **clearly labeled "Used Oil Filters,"** and which are in good condition. The storage

**containers must be sealed or otherwise protected from weather and stored on an oil impermeable surface such as sealed concrete or asphalt.** Any leak or spill must be stopped, contained, cleaned up and managed and the container repaired or replaced.

No person who removes or manages used oil filters shall dispose of such filters, or commingle such filters with other solid waste for disposal, in a landfill in Florida.

## Guidance for Used Oil Management Secondary Containment Requirements

Rule 62-710.401(6) sets out several requirements that apply to the storage of used oil in tanks or containers. These terms are not defined but should be interpreted broadly to include all types of containers that store used oil, including drip pans, portable collection containers and satellite accumulation containers. This means, for example, that **all used oil storage tanks and containers must be labeled with the words "Used Oil"** in order to minimize the risk of cross contamination. It also means that **all tanks and containers must have secondary containment (unless they are double-walled) that has the capacity to hold 110% of the volume of the largest tank or container within the containment area.**

The Department recognizes that it is not always practical to have specially constructed secondary containment for small containers, drip pans, portable collection containers, or satellite accumulation containers, and that the environmental risks of a spill of used oil from small containers is minimal. **The Department will therefore assume that portable collection containers, satellite accumulation containers, and other small containers (those with a total capacity of equal to or less than 55 gallons) which are stored on an oil impermeable surface inside a structure will meet the secondary requirement\*\*.** In addition, any portable collection containers



regardless of size which have wheels, which are typically emptied within 24 hours, and which are stored on an oil impermeable surface inside a structure will meet the secondary containment requirement.\*\*

*\*\*Like any assumption, this one may be overcome if site-specific conditions create a likelihood that any spill from the containers would not be adequately contained.*

All tanks and containers, stored outside of a structure, regardless of their size, shall be closed, or otherwise protected from the weather, and must either be double-walled or must be stored on an oil impermeable surface with engineered secondary containment.

Rule 62-710.401(6) also refers to a "structure" without defining that term. In context, it is clear that this term must refer to those structures which will protect the used oil storage tank or container from the weather in much the same way as would a covering and/or proper use of lids. Any structure other than a building with four walls and a roof must be evaluated on a case-by-case basis to determine whether it is expected to adequately protect the used oil from the weather (e.g. blowing rain).

Contact your local Florida Department of Environmental Protection for additional information or if you have specific questions on this material.

### FDEP Offices:

- Northwest: Pensacola (850) 595-8300
- Northeast: Jacksonville (904) 807-3300
- Central: Orlando (407) 894-7555
- Southwest: Tampa (813) 632-7600
- Southeast: West Palm Beach (561) 681-6600
- South: Fort Myers (239) 332-6975

## Used Oil Generator

[40 CFR, Part 279.1]

Any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

The following persons are exempted from the management standards for used oil generators:

- households
- vessels at sea or at port, and;
- farmers who generate a yearly average of 25 gallons or less per month of used oil.

## Used Oil, defined:

[62-710.201(5), F.A.C.]

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.

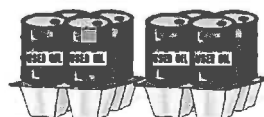
Any material which meets this description must be managed as used oil. Used oil includes synthetic oils, transmission and brake fluids, lubricating greases, etc. Used oil does not include products derived from vegetable or animal fats.

Used oil destined for recycling is presumed **not** to be hazardous.

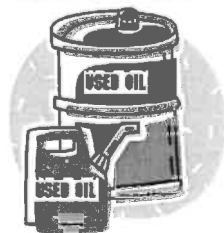
The information contained in this brochure was compiled from F.A.C Rule 62-710 (effective January 4, 2009) and Department enforcement guidance dated December 9, 2005 and is not intended to be a substitution for the Department Rules. For copies of the Used Oil Management Rule please contact the Florida Department of Environmental Protection or visit our website at [www.dep.state.fl.us](http://www.dep.state.fl.us)

rev: 5/25/2006 7:02 AM

## Stay CLEAN



**C:** Closed and Contained



**L:** Labeled "Used Oil" & "Used Oil Filters"



**E:** Ensure Proper Disposal  
Encourage Recycling



**A:** Abate & Clean Up  
Discharges

and keep it

**N:** Neat!



## Used Oil Management Fact Sheet



What you need to know and do to maintain a CLEAN operation when dealing with Used Oil and Used Oil Filters

## Think GREEN Stay CLEAN

Remember it's the Generators Responsibility to Ensure Environmental Compliance

- C** Closed and in Containment
- L** Label all containers "Used Oil" & "Used Oil Filters"
- E** Ensure proper disposal and Encourage Recycling
- A** Abate and clean up any discharges
- N** Neat and tidy



**ATTACHMENT 8**  
**FACILITY CLOSURE PLAN**

## ATTACHMENT 8: FACILITY CLOSURE PLAN

This plan describes the facility's closure plan for used oil facilities.

a) A closure schedule;

**The facility will notify FDEP and Miami-Dade Department of Regulatory and Economic Resources of the closure within 72 hours of the cessation of the acceptance of these materials. The FDEP will also be notified of the proposed method of closure and when completed.**

**The cessation of used oil will be completed as expeditiously as practical considering the volume on site, normal usage and any tank or pipeline cleanup required. The total process should take less than three (3) months depending on tank cleanup/scheduling requirements. All of the materials involved will be utilized in the cement/manufacturing process.**

b) A listing of tanks, piping and other equipment that will be cleaned/closed;  
**Refer to Attachment 5—ICP.**

c) Procedures for decontamination of tanks, containers, pipes, equipment and other process areas;

**Upon closure of tanks, containers, pipes, etc., an outside company specializing in closure procedures will be contracted to perform this work in accordance with 40 CFR Part 279.54(h)(1).**

d) A listing and justification of sampling methods (including number of samples), sampling parameters, and analytical methods. All sampling and analysis must be in accordance with SW-846 or equivalent methods;

**Upon closure of tanks, containers, pipes, etc., an outside company specializing in closure procedures will be contracted to perform this work in accordance with 40 CFR Part 279.54(h)(1).**

e) A description of the characterization and disposal of rinse waters and residues generated from clean-up and closure activities;

**All such materials are incorporated into the cement-making process.**

f) A description of the characterization and disposal of solid wastes generated from clean-up and closure activities;

**All such materials are incorporated into the cement-making process.**

g) A description of soil sampling near secondary containment. Also describe how the following will be addressed at time of closure, in accordance with 40 CFR Part 279.54(h)(ii):

(i) A description of how, if soil is contaminated, the groundwater will be sampled;  
and

**Upon closure of facility an outside company specializing in closure procedures will be contracted to perform this work in accordance with 40 CFR Part 279.54(h)(1).**

(ii) A description of how, if groundwater is contaminated, the facility will meet the closure requirements of 40 CFR, Part 265.310, Closure and Post-Closure Permit.

**Upon closure of facility an outside company specializing in closure procedures will be contracted to perform this work in accordance with 40 CFR Part 265.310.**