

Knauss, Elizabeth

From: Treesh, Gabriel <Gabriel_Treesh@CSX.com>
Sent: Wednesday, February 08, 2017 10:00 AM
To: Knauss, Elizabeth
Subject: RE: New Topic - used oil transportation records

Always happy to assist.

Also , thank you for the heads-up on the federal component. Just for your information, we also reached out to the First Coast, the Atlantic and Western and their parent company G&W. We are also in the process of conducting a more comprehensive internal review to ensure we have everything in place for the federal component.

Thanks again.

Please let me know if I may be of further assistance.

From: Knauss, Elizabeth [mailto:Elizabeth.Knauss@dep.state.fl.us]
Sent: Wednesday, February 08, 2017 9:52 AM
To: Treesh, Gabriel
Cc: Baker, Bryan; McBride, Ashanti
Subject: RE: New Topic - used oil transportation records

I understand your point about the Florida definition of used oil transporter, however as the oil is being transported out of state (except for the Miami shipment), the federal regulations I cited would still apply, which was why I gave you the heads up. I contacted First Coast yesterday and forwarded them a link to the notification form, and they are planning to submit it to Tallahassee. As Atlantic & Western is not operating in Florida, I am not planning on contacting them.

Thanks for your help with this.

From: Treesh, Gabriel [mailto:Gabriel_Treesh@CSX.com]
Sent: Wednesday, February 08, 2017 9:26 AM
To: Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>
Cc: Mullis, Mark <Mark_Mullis@csx.com>
Subject: RE: New Topic - used oil transportation records

Elizabeth,

I am happy to provide you with the additional details you have requested, however, I would like to point out that I am doing so in the spirit of cooperation since FDEP's definition of a used oil transporter does not include rail transportation (see below explanation). Also as information, while CSX's used oil transporter permit is based in Florida, we maintain this not for our rail transport business in Florida, but to meet other federal and state requirements.

As promised here the additional information you requested:

From 2014 to 2016

316 of 330 cars went to New Orleans by way of the Union Pacific Railroad (UP) (“NED 001792910”) These interchanged with UP in New Orleans and all loads went to VERTEX energy in New Orleans.

Of the remaining 14 shipments:

4 went to Colon, NC by way of the Atlantic and Western Railway. These interchanged in Sanford NC and went to Noble Oil in Colon.

9 went to Kingsland by way of First Coast Railroad. These interchanged in Yulee Florida and were delivered from rail (first coast railroad) to Cumberland Transport Inc.

1 went to Miami by way of the Florida East Coast Railroad This was interchanged in Jacksonville and was delivered by Florida East coast to Ricky’s oil service in Miami.

Also, The First Coast Railroad and Atlantic Western Railway are subsidiaries of the Genesee and Wyoming (G&W) railroad “MIK140874862”

The shipment interchanging in Florida to FEC and FCR involved the following cars and dates. (note: most railroads perform car look-ups based on waybill date so that date should get you exactly what you need from the other roads).

Car Init Nbr	Waybill Date	Next Transporter
UTLX57879	05/15/2014	Florida East Coast
GATX209235	09/21/2015	First Coast Railroad
GATX25872	09/21/2015	First Coast Railroad
GATX209246	04/06/2016	First Coast Railroad
GATX25862	05/06/2016	First Coast Railroad
GATX25876	04/06/2016	First Coast Railroad
GATX25879	05/06/2016	First Coast Railroad
GATX25881	04/06/2016	First Coast Railroad
GATX25890	04/06/2016	First Coast Railroad
UTLX201154	12/06/2016	First Coast Railroad

Explanation of Used Oil applicability to rail shipments per Florida law:

FDEP’s used oil regulations, contained in FLA. ADMIN CODE pt. 62-710, govern the management of used oil by used oil handlers, which include used oil transporters and processors. FDEP defines “used oil transporter” as “any person who transports used oil over **public highways** in shipments of greater than 55 gallons at one time.” (FLA. ADMIN. CODE r. 62-710.201(6) (emphasis added)). “Public highway” is a highway controlled and maintained by governmental authorities for general use. (BLACK’S LAW DICTIONARY 747 (8th ed. 2004)). In no sense can a railroad be considered a “public highway,” and therefore, FDEP’s used oil regulations do not apply to transportation of used oil by a railroad.

The federal regulations for management of used oil define the term “used oil transporter” more broadly. (See 40 C.F.R. § 279.1.) Although FDEP has adopted the federal used oil management regulations, (FLA. ADMIN. CODE r. 62-710.210(2)), FDEP has instructed that the state definition will control if a federal definition is different than the state’s. (See FLA. ADMIN. CODE r. 62-710.210(5).) Therefore, FDEP’s regulations require the application of the state definition of “used oil transporter” to the federal regulations.

Despite the inapplicability of the state regulations to transportation of used oil by railroad, CSXT is willing to provide to FDEP readily available information regarding its used oil shipments.

From: Knauss, Elizabeth [<mailto:Elizabeth.Knauss@dep.state.fl.us>]
Sent: Tuesday, February 07, 2017 4:25 PM
To: Treesh, Gabriel
Subject: RE: New Topic - used oil transportation records

Thanks – as 40 CFR 278.46 and 47 exempt intermediate rail transporters from having to sign any transport records, I just need to know the name and EPA ID number for the receiving transporter. I can get additional information from Union Pacific, however I checked the national RCRA info database, and it does not look like the other three have notified of their transportation activities.

This would be an issue, as 40 CFR 279.43 prohibits used oil transporters from delivering the oil to anyone who has not received an EPA id number, unless the shipper has documented that the oil meets the used oil specification. I know that Synergy was having the oil analyzed for the specification for a while, but stopped a couple of years ago.

The shipment to Colon NC probably went to Noble Oil, and the Kingsland shipment would have gone to Synergy Recycling, but the shipments to Miami and New Orleans could have gone to a number of companies.

It would be helpful if you gave me the transfer information (location and dates) on the loads that did not go to New Orleans, as it is not clear that First Coast or Atlantic & Western received the oil in Florida. I will request Florida East Coast to provide additional information directly, if you can give me the car number and dates for that pickup and delivery.

From: Treesh, Gabriel [mailto:Gabriel_Treesh@CSX.com]
Sent: Tuesday, February 07, 2017 3:29 PM
To: Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>
Subject: RE: New Topic - used oil transportation records

Elizabeth,

Since it may take a few days for my team to pull together the remaining details you requested, I thought I would provide you a brief summary of what I have readily available as my team works on the more detailed report.

Over the three year period,

316 of 330 cars went to New Orleans by way of the Union Pacific Railroad (“NED 001792910”)

Of the remaining 14 shipments:

4 went to Colon, NC by way of the Atlantic and Western Railway

9 went to Kingsland by way of First Coast Railroad

1 went to Miami by way of the Florida East Coast Railroad

Also, as we pull together the details you requested, I have a question regarding transporter address.

In the case of the above shipments since all are delivered to other railroads, the regulation specifically requires us to keep information on the transporters (but not necessarily the final destinations since the regulation reads facility or

transporter). When providing the transporter record, I can provide their address as per the regulation, however some of the railroads involved have rail lines throughout the United states, so their address may only tell you where their Headquarters is located, not where we gave them the car. So in effort to be as helpful as possible, would it be more useful for me to provide you instead with the city where we handed the car off to the other railroad?

From: Knauss, Elizabeth [<mailto:Elizabeth.Knauss@dep.state.fl.us>]

Sent: Tuesday, February 07, 2017 12:11 PM

To: Treesh, Gabriel

Subject: RE: New Topic - used oil transportation records

Sorry – I wasn't expecting a spreadsheet extracting the records. Thanks for putting that together.

However, I also need the destination location and name and ID number of the next transporter (or processor or burner) in the chain per 40 CFR 279.47(b). I believe that most of the shipments may have gone to Synergy Recycling in Kingsland Georgia, but was told that some may have gone elsewhere.

Thanks again,

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

From: Treesh, Gabriel [mailto:Gabriel_Treesh@CSX.com]

Sent: Tuesday, February 07, 2017 10:19 AM

To: Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>

Cc: Vaughn, Kim <Kim_Vaughn@CSX.com>; Mullis, Mark <Mark_Mullis@csx.com>

Subject: RE: New Topic - used oil transportation records

Elizabeth,

I have attached the records for Synergy for the last three years.

In summary, they shipped

128 carloads in 2014
152 carloads in 2015
50 carloads in 2016

I have also been told that they are now handling this business primarily by truck vs with CSX by rail.

Please let me know if you have any questions.

Best Regards,

Gabriel Treesh

CSX Transportation

Director Compliance and Customer Support

Office: (904) 359-1685

Gabriel_Treesh@CSX.com

From: Knauss, Elizabeth [<mailto:Elizabeth.Knauss@dep.state.fl.us>]

Sent: Monday, February 06, 2017 9:23 AM

To: Vaughn, Kim

Subject: New Topic - used oil transportation records

Kim – I inspected Synergy Recycling of Central Florida last Friday, FLR000053611, and found out that they have been using CSX to ship used oil to a number of places over the last couple of years.

They have not been using a Transflo transfer facility, but instead have been loading on a private siding in Auburndale, I believe at 105 Progress Rd, owned by Universal Forest Products, FLD984181487.

They did not have records on site related to those transfers, but are trying to get copies from their sister company in Kingsland, Georgia, Synergy Recycling, GAR000048009.

I want to get an independent check to be sure they get me complete records. Can I get copies of the 2015 and 2016 records through you? Or should the request be sent to someone else?



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