From: Kennedy, Shannon
To: Bridges, Abigail
Subject: FW: Aqua Clean/Florida Recycling Solutions question
Date: Monday, December 02, 2019 1:53:07 PM
Attachments: HW Used Oil Transporter - USDOT Guidance re PCW Classification.pdf
HW Used Oil Transporter - USDOT Guidance re Used Oil Clasification.pdf

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From: Knauss, Elizabeth
Sent: Thursday, August 23, 2018 3:53 PM
To: ronald.noble@bipc.com
Cc: Kennedy, Shannon <Shannon.Kennedy@FloridaDEP.gov>
Subject: Aqua Clean/Florida Recycling Solutions question

The PCW transporter rule has not been amended since it was adopted in 1995. Under item (2) below, the transporter must either be a HW transporter OR have notified as a PCW transporter. I don't remember how the 8700-12FL form looked at that time, and whether it was possible to notify as a PCW transporter without being identified as a HW transporter. However the current form allows a separate notification – you do not have to be a HW transporter to handle PCW. If the PCW is a USDOT hazardous material (waste gasoline or diesel mixture), the transporter would need a registration with USDOT. I see Aqua Clean's registration is current through 2020. Florida Recycling Solutions LLC is not registered with USDOT. I see that the facility name in our database is now just Florida Recycling Solutions, LLC, although in the past we had both corporations listed in the facility name, i.e. Florida Recycling Solutions/Aqua Clean Environmental. Could that be the issue? Sometimes USDOT looks for notified HW transporters that are not registered with them.

This is the box in the form for PCW transporters that are not HW transporters.

13. Other State Regulated Waste Activities: **Petroleum Contact Water (PCW)** ☐ **Recovery** ☐ **Transport** [62-740 F.A.C.]
Note: A water facility permit may be required for this activity. An annual report is required for a recovery facility pursuant to Rule [62-740.300(5)] F.A.C.

In any event, per the attached memos and our rule, USDOT regulations apply to the packaging, marking, labeling, placarding & preparation of shipping papers for PCW.

62-740.200 Management Practices for Transporters Shipping PCW for Product Recovery.

(1) Compliance with this chapter shall not excuse a transporter from compliance with other applicable Florida laws and Florida Department of Transportation rules.

(2) A transporter of PCW destined for recovery shall be a hazardous waste transporter in compliance with Rule 62-730.170, F.A.C., or receive a DEP/EPA ID number by notifying the Department on EPA Form 8700-12 of its intent to transport PCW.

(3) A transporter who is not a producer or who does not engage in the ultimate recovery of product from PCW shall not store PCW for more than 35 days.

(4) A transporter that stores PCW in containers and tanks not required to be registered in accordance with Chapter 62-761 or 62-762, F.A.C., shall comply with the requirements in subsection 62-740.100(2), F.A.C.

(5) A transporter that stores PCW in tanks required to be registered in accordance with Chapter 62-761 or 62-762, F.A.C., shall manage the tanks in accordance with the applicable requirements for the storage of pollutants as specified in the above chapters.

(6) A transporter shall keep an operating record of the following PCW related activities for 3 years and make the records available to the Department upon request:

(a) Name and location of the person shipping the PCW.

(b) Date the PCW was picked up.

(c) Volume of the PCW transported.

(d) Name and location of the person receiving the PCW.

(e) Delivery date of the PCW.

(f) A copy of the shipping paper used for the shipment of the PCW.

(7) A transporter shall not mix or commingle PCW with any other material not identified in paragraph 62-740.030(1)(a), F.A.C., or defined as PCW.