

**CHAPTER 62-710
USED OIL MANAGEMENT**

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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, 2017 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08950>), 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, 6-18-18.

62-710.300 Applicability.

Rulemaking Authority 403.061, 403.704, 403.767 FS. Law Implemented 403.703, 403.75, 403.754, 403.760, 403.767, 403.769 FS. History—New 6-9-05, Repealed 2-16-12.

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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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, 6-18-18.

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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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

<https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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, 6-18-18.

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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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, 6-18-18.

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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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, 6-18-18.

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 accepted 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 <https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms> or by contacting the Permitting and Compliance Assistance Program, MS 4500, 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 4-23-13, 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 4-23-13, 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 4-23-13, which is adopted and incorporated by reference in subsection 62-710.500(5), F.A.C.

(6) Used Oil Processing Facility Permit Application, effective 4-23-13, 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 4-23-13, 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, 6-18-18.

GUIDANCE FOR USED OIL MANAGEMENT
CHAPTER 62-710, FLORIDA ADMINISTRATIVE CODE (F.A.C.)
January 2019

The Department recently adopted revisions to the used oil management rules to clarify certain requirements. The revised rules became effective on June 18, 2018. This guidance serves to provide further clarification for the public, the regulated community, and Department staff.

Facilities that Burn Used Oil On-site under a Valid Air Permit

Facilities that conduct processing operations or transport used oil incidental to burning the used oil as fuel on-site, provided a valid air permit authorizing such burning is in effect for the facility and all of the used oil fuel is burned on-site within the limits of a valid air permit, shall not be considered a processor, transporter, or transfer facility as defined under 62-710.201 and shall not be subject to the requirements of Rules 62710.500, 62-710.510, 62-710.600, or 62-710.800, F.A.C.

Facilities that Discharge Wastewater under a Valid NPDES Permit

Many facilities are large and complex industrial manufacturing facilities that may have continuous monitoring, periodic inspections and sampling programs in place, discharging their wastewaters under a NPDES permit with an oil & grease limitation. These facilities should have compliance programs to insure compliance with used oil regulations and the Federal Spill Prevention, Control and Countermeasure requirements.

For facilities with NPDES permits, notwithstanding 62-710.401(2), F.A.C., which states the following; “*No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters*”, it should be understood that de minimis quantities of used oil are regulated by the Clean Water Act. De minimis quantities of used oil are small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations, or when small amounts of oil are lost to the wastewater treatment system during washing or draining.

Large industrial facilities may have installed complex machinery equipped with hydraulic systems or lubrication systems. Such systems may have de minimis oil discharges that are routed to sewers and drainage systems to the wastewater treatment systems and are treated, monitored, sampled and limited under the NPDES permit. The systems may also be equipped with oil/water separation devices and connected to oil collection systems. Any used oil that is recovered from the wastewater treatment system should be either managed with the rest of the facilities’ used oil as fuel, or managed in accordance with the other applicable parts of Chapter 62-710, or in accordance with Chapter 62-701 or Chapter 62-730, F.A.C.

Therefore, it is important to understand that such facilities should have best practices in place, as required by their Industrial NPDES permit, that are intended to provide for the effective protection of ground and surface waters while maximizing energy recovery of used oil. In implementing these best practices, it may be impracticable for the facility to follow a strict interpretation of the requirements 62-710.401(2), F.A.C.

Used Oil Marketers

The definition of “processor” in subsection 62-710.201(3), F.A.C., 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.

The definition of “used oil fuel marketer” in subsection 62-710.201(10), F.A.C., and 40 Code of Federal Regulations (C.F.R.) Part 279.1, 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 62710.210(2), F.A.C.].

While the definition of a used oil fuel marketer is fairly broad, the Department's requirements for registration and record-keeping are limited in paragraph 62-710.500(1)(c), F.A.C., to "used oil fuel marketers who *sell* used oil fuel." The definition of processor is not intended to extend the registration requirements of subsection 62710.500(1), F.A.C., and record keeping requirements of subsection 62-710.510(1), F.A.C., to marketers who are not selling used oil fuel. The term marketer in subsection 62-710.201(3), F.A.C., should therefore be read to include only those marketers who sell used oil fuel and both receive used oil from transporters and have at least 25,000 gallons of storage capacity. Notwithstanding the above, a used oil marketer is required to obtain an EPA ID#, keep a record of shipments, and keep copies of analyses of the used oil in accordance with 40 C.F.R. 279.72, 279.73, and 279.74, adopted by reference in Rule 62-710.210, F.A.C.

Used Oil Transfer Facilities

The definition of processor is not intended to include any transfer facility that stores used oil for 35 days or less regardless of the transfer facility's used oil storage capacity, provided the facility is not processing the used oil as described in subsection 62710.201(2), F.A.C.

Used Oil Storage

Subsection 62-710.401(6), F.A.C., sets out several requirements that apply to the storage of used oil in tanks or containers. These terms "tanks" and "containers" are not defined but should be interpreted broadly to include all types of containers that store used oil, including drip pans and portable collection 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.

Subsection 62-710.401(6), F.A.C., 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).

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

The Department recognizes that it is not always practical to have specially constructed secondary containment for small containers, drip pans, and portable collection 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 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 containment requirement.

For larger containers, the facility may demonstrate that the building structure meets secondary containment requirements. This demonstration could include, but is not limited to, the following:

- Appropriate documentation (such as an analysis by an engineer with experience in containment structures) that is maintained at the facility to demonstrate the structure's secondary containment is sufficient to contain spills and leaks from containers and prevent migration of used oil to the soil, groundwater or surface water.

- The container(s) is in good condition, and is not stored near a doorway leading outside or on a surface that slopes toward an outside doorway or drain that leads to the environment; the floor surface is in good condition and is oil impermeable, the walls connect to the floor, and there is sufficient volume to collect the used oil if it spills.

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.

Used Oil Training Manual/Records

Paragraph 62-710.600(2)(b), F.A.C., requires certified used oil transporters to show evidence of familiarity with Florida and federal laws and rules governing used oil transportation and to have an annual and new employees training program in place covering the applicable rules. A record of training must be maintained in the company's operating and personnel files [paragraph 62-710.600(2)(c), F.A.C.]. The used oil transporter is no longer required to submit the training manual to the Department for approval. Instead, the used oil transporter is now required [paragraph 62-710.600(2)(d), F.A.C.] to submit an annual certification with the annual registration "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."

Closure Certification

Subsection 62-710.800(3), F.A.C., states that a Professional Engineer registered in the state of Florida must sign and seal the certification of closure completion required in paragraph 62-710.800(5)(e). In addition, the certification must also be signed by the owner or operator of the facility.

If you have any questions or concerns regarding this guidance or the recently revised rules, please feel free to contact Janet Ashwood by phone (850) 245-8789 or email Janet.Ashwood@dep.state.fl.us.