Florida Department of Environmental Protection

Southwest District

Recent Issues in Petroleum Contact Water Management



Jim Dregne & Beth Knauss, SW District

Agenda

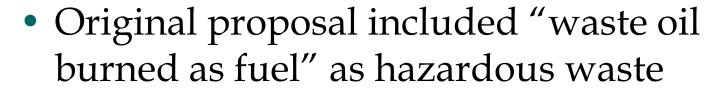
- Rule History
 - Definition of Solid Waste
 - TCLP benzene
- DOT Issues
- Summary of Rule
- Recent Cases
 - Aqua Clean





Regulatory History

- May 19, 1980 Federal Register
 - Effective 11/19/1980



- Not adopted
- Phased approach to regulating recycling activities, including hazardous waste fuel
- Until 1984, materials <u>legitimately</u> burned as fuel were not federal solid wastes.





Redefinition of Solid Waste & HSWA

- Jan. 4, 1985 Final Rule, effective 7/5/1985
 - Regulated hazardous waste fuel
 - NOT off specification Commercial Product Fuels
 - NOT used oil fuel
- Nov 29, 1985 Final Rule, Effective 5/29/1986
 - Established used oil specifications
 - Off Specification if Flash <100° F
 - Most gasoline mixtures will be off spec unless processed by distillation
 - Unused fuel not regulated federally as a waste





Toxicity Characteristic Wastes

- HSWA also required EPA to examine the toxicity characteristic under 40 CFR 261.24
 - 8 metals, 6 pesticides
- 1990 TCLP replaces the EP Toxicity Test
 - Added Organic Constituents
 - Including Benzene D018
- Affects waste shipped for treatment but also
 - 40 CFR 261.2(c)(2) regulates characteristically hazardous sludge burned for energy recovery
 - Oil/Water Separator Wastes

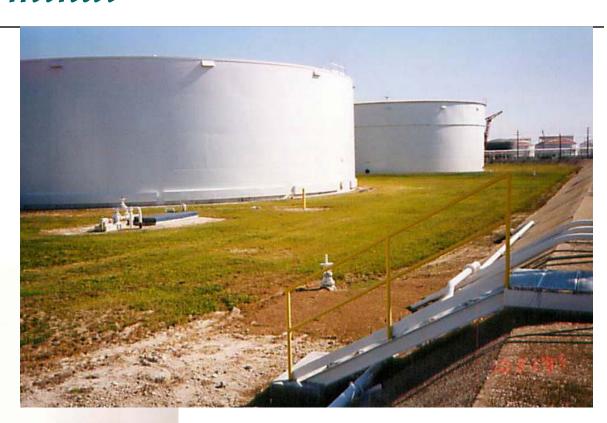


Bulk Product Terminals

- Notified as Large Quantity Generators
- Noncompliance with Subpart J Tanks rules and other LQG standards
- Unauthorized Storage & Treatment
 - "Slop Tanks" not registered for fuel storage
 - Usually the worst tank in the farm
 - Some Terminals Had IW permits
 - "Zero Discharge" Spray Evaporation



Bulk Terminal



WATER DRAW

Water Separation Equipment





350,000 Gallon Wastewater Tank



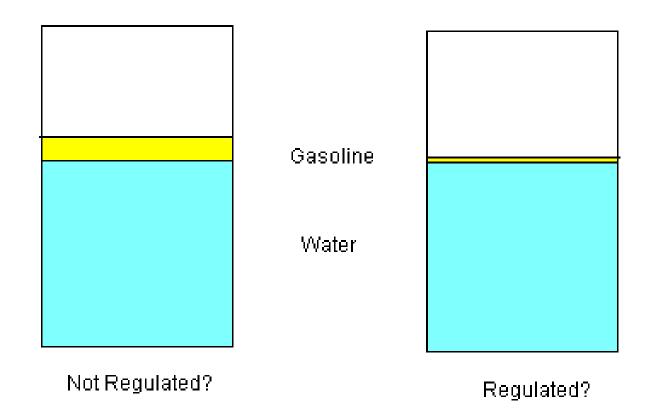


NPDES Outfall - "Treated" Storm water

Note Floating Free Product



Irony - Which Mixture is more Hazardous?





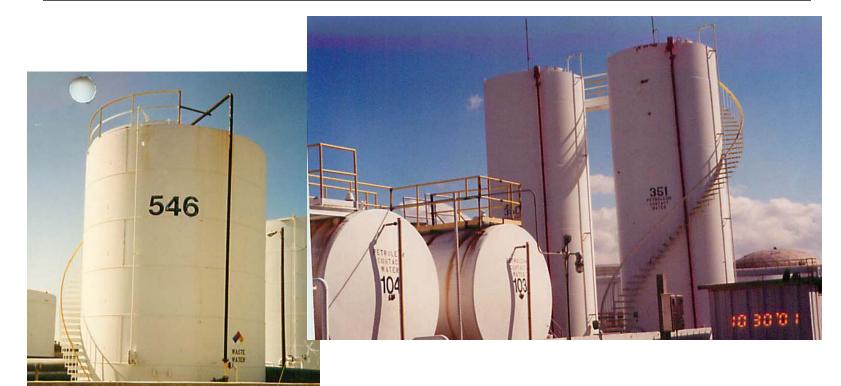
Mixing Rules

- Gasoline & Diesel Fuel are not Solid Wastes when Recycled as Fuel
- Mixtures of Used Oil & Fuel are Used Oil
 - USDOT Flammable or Combustible?
- Mixtures of Used Oil with Water or Solid Wastes can also be Managed as Used Oil
 - Provided the intent is to recover the oil
 - HW determination required upon disposal



Status of Fuel/Water Mixtures?

Waste Water vs. Petroleum Contact Water



Waste Water Storage is not regulated by the Tanks Program PCW with free product IS

What is "Petroleum Contact Water?"

WATER CONTAINING PRODUCT 376.301(33) F.S

"Petroleum product" means any liquid fuel commodity made from petroleum



Examples of Material that Meet the Definition of Petroleum Contact Water

- Condensate from underground and aboveground petroleum storage tanks.
- Water bottoms or drawdown water removed from petroleum storage tank system.
- Product, or water in contact with product which displays a visible sheen contained in spill secondary containment.
- Petroleum tank filler sump and dispenser sump water.
- Recovered product or water in contact with product, which does not contain hazardous constituents other than petroleum, from first response actions to petroleum spills.
- Aboveground petroleum tank seal leakage water.
- Pumpable liquids from petroleum tank cleaning operations.

Examples of Material that <u>Do Not Meet the</u> Definition of Petroleum Contact Water

- Equipment or vehicle wash water.
- Bilge water.
- Separated solids from tank cleaning operations.
- Groundwater contaminated with hazardous constituents other than PCW.
- Wastewaters regulated or permitted under other applicable Department rules or standards, such as Chapter 62-620 and 62-660, F.A.C.



Ethanol Additives - Effect on PCW

- Used Oil Processors have been concerned for the past couple of years regarding ethanol and biodiesel fuels' effect on their processed
- Makes phase separation more difficult
- Waste water is more contaminated
 - Causing violations of pretreatment discharge limits for BOD/COD



Kevin Hughes - Treatise at cim-tek.com

- When phase separation occurs somewhere between 30 to 70 percent of the ethanol will drop to the bottom of the tank with the water
- Some of the alcohol soluble hydrocarbons will (also) be stripped from the gasoline
- If E10 ... needs 0.5% water ... to start phase separation.
 - If 30% of the ethanol leaves solution the bottom layer will be 171 proof.
 - If 70% of the ethanol leaving solution will result in 187 proof ethanol



Is PCW a Flammable Liquid per USDOT?

- Regulatory Status of Mixtures depends on the Flash Point
- Gasoline and Diesel are both specifically listed in the HMR Table
- Generic Listings
 - Flammable Liquids flash point ≤140°F
 - Combustible liquid flash point above 140°F and below 200°F that does not meet the definition of any other hazard class under the HMR.



Not Flammable Liquids - 49 CFR 173.120(a)

- (2) Any mixture having one or more components with a flash point of 60 °C (140 °F) or higher, that make up at least 99 percent of the total volume of the mixture, if the mixture is not offered for transportation or transported at or above its flash point.
- (3) Any liquid with a flash point greater than 35 °C (95 °F) that does not sustain combustion according to ASTM D 4206 (IBR, see §171.7 of this subchapter) or the procedure in appendix H of this part.
- (4) Any liquid with a flash point greater than 35 °C (95 °F) and with a fire point greater than 100 °C (212 °F) according to ISO 2592 (IBR, see §171.7 of this subchapter).
 - (5) Any liquid with a flash point greater than 35 °C (95 °F) which is in a water-miscible solution with a water content of more than 90 percent by mass.

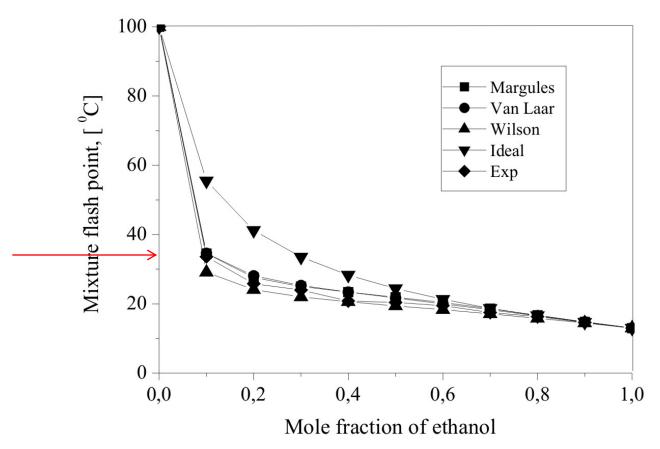


Flammable Liquids - Exceptions

- A flammable liquid with a flash point at or above 38 °C (100 °F) that does not meet the definition of any other hazard class may be reclassed as a combustible liquid.
- 1% exception if a flammable is mixed with 99% non combustible non hazmat and transported at or below the flash point of the <u>mixture</u>



Water/Ethanol Mixture Flash Points





Hristova, Damgaliev & Popova, J. of UCTM v. 45 p 1 Jan 2010

Mixtures - 49 CFR 172.101(10)

 A mixture or solution ...comprised of a single predominant hazardous material ... and one or more hazardous and/or non-hazardous material, must be described using the proper shipping name of the hazardous material and the qualifying word "mixture" or "solution", as appropriate



Gasoline Mixtures & USDOT

- "Petroleum Contact Water" is not a USDOT HazMat shipping description
- USDOT Guidance Memo dated 12/19/2006
 - "The most appropriate proper shipping name for a mixture meeting the definition of a flammable liquid would be Gasoline Mixture, UN1203" The phrase 'petroleum contact' water may be indicated following the basic description"



PCW Rule defers to USDOT rules

PHMSA Registration

- Transporters and Offerors of Hazardous Materials must be registered with USDOT
 - Bulk carriers, loads that must be placarded
 - N/A to offeror if the carrier does the bulking of a material that would otherwise be exempt
 - https://hazmatonline.phmsa.dot.gov/
 Services/companylookup.aspx



Problem Shipping Paper

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Shipper's Certifications 49 CFR 172.204

- "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 regulations of the Department of Transportation."
 - (b) Exceptions. (1) Except for a hazardous waste, no certification is required for a hazardous material offered for transportation by motor vehicle and transported ..in a cargo tank supplied by the carrier...
- The certifications required by paragraph (a) or (c) of this section must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent



Due Diligence and DOT - 49 CFR 171.2

 Each carrier who transports a hazardous material in commerce may rely on information provided by the offeror of the hazardous material or a prior carrier, unless the carrier knows or, a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the offeror or prior carrier is incorrect



Undeclared Hazardous Materials

- 49 CFR 171.16(a) *General*. Each person in physical possession of a hazardous material at the time that any of the following incidents occurs during transportation (including loading, unloading, and temporary storage) must submit a Hazardous Materials Incident Report on DOT Form F 5800.1 (01/2004) within 30 days of discovery of the incident:
 - (2) Unintentional release of a hazardous material or any quantity of a hazardous waste
 - (4) An undeclared hazardous material is discovered; ..



To ..PHMSA

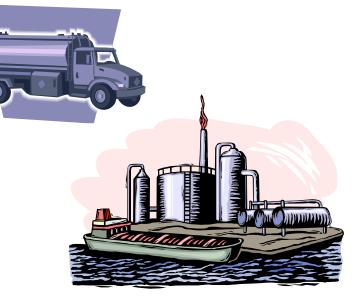
Petroleum Contact Water Handler Categories

Producers



Transporters

Recovery Facilities





PCW Producer Definition



Any person by site whose act or process generates PCW or whose act first causes PCW to become subject to regulation. The term includes owners and operators of storage tank systems regulated under the tank rules. Examples include owners and operators of retail service stations, convenience stores, wholesale product distribution facilities, and product terminals.



PCW Producer General Requirements



- Shall determine whether to recover product from PCW.
- If he decides not to recover product from the PCW, he must do a waste determination.
- Shall not store PCW for more than 180 days.
- Shall notify the recovery facility receiving the PCW that the PCW does not contain levels of hazardous constituents above those found in the source of the PCW.



PCW Producer Storage Requirements



- Container or tank is made of or lined with material that is compatible with PCW.
- Container or tank is closed.
- Label or mark the container or tank clearly with the words "Petroleum Contact Water" and the date when the PCW accumulation first begins.
- Inspect the container or tank for leaks and deterioration at least weekly.



PCW Producer Operating Records

- Date and volume of the PCW removed from the product or PCW tank and shipped off site.
- Name and addresses of the transporters shipping the PCW off site.
- Name and address of the PCW receiving facility destination.
- A copy of the shipping papers included with each shipment of PCW.



PCW Producer Operating Records (cont.)

- A copy of the statement provided to the receiving facility from the producer that the PCW does not contain levels of hazardous constituents above those found in the source PCW.
- Copies of weekly container or tank inspections.







- Comply with other applicable Florida laws and Florida DOT rules.
- Shall not store PCW for more than 35 days.
- Must comply with container and tank rules.
- Keep an operating record for 3 years.
- Shall not mix or commingle PCW with other material not identified in 62-740.030(1)(a) FAC or defined as PCW.



PCW Transporter Operating Records

- Name and location of the person shipping the PCW.
- Date the PCW was picked up.
- Volume of the PCW transported.
- Name and location of the person receiving the PCW
- Delivery date of the PCW.
- Copy of the shipping papers used for the shipment of the PCW



PCW Recovery Facility Requirements

• Shall obtain a hazardous waste facility operation permit in accordance with 62-730 F.A.C.

or

• Qualify for an exemption from the hazardous waste permitting process, pursuant to paragraphs 62-730.270(1)(a-c), F.A.C.

or

• Obtain a used oil processing general permit in accordance with 62-710 F.A.C.



PCW Recovery Facility Requirements (Continued)

- Meet PCW container and storage tank requirements.
- Maintain records of the following PCW related activities for each shipment of PCW received for a minimum of 3 years:
 - Name and address of the PCW producer.
 - Name and address of the PCW transporter.
 - Date of receipt of the PCW shipment.
 - Volume of PCW received.
 - A copy of the shipping paper used for shipment of the PCW.
- Documentation of weekly container and tank inspections.

PCW Recovery Facility Requirements (Continued)

- Shall be able to demonstrate to the Department by operating procedures or records kept on site that it recovers product from PCW.
- Shall obtain written assurance from the producer that the PCW does not contain levels of hazardous constituents above those found in the source PCW.
- Shall maintain records documenting quantities of product recovered from PCW and submit a report to the Department annually.

Annual Report- by March 1

- No Department Form
- Letter Report The report shall include the total quantity of the PCW received and an estimate of the total quantity of product recovered from the PCW during the previous calendar year.



Aqua Clean 2002 Annual PCW Report



February 28, 2003

Mr. Raoul Clarke Hazardous Waste Management Section MS 4555 Twin Towers Office Building 2600 Blair Stone Road Tallahassee, Florida 32399-2400

Re: Report required under rule 62-740.300(5), F.A.C.

Dear Mr. Clarke,

This letter shall constitute our report to the Department as required by the above referenced rule.

Total quantity PCW received by our facility during 2002----- 583208 gallons

Total product recovered during 200 0 gallon

Total estimated water in product 0 gallon

Estimated net product recovered 0 gallon

Please contact the writer if there are questions.

Sincerely,

W. D. Miller III, P.E. General Manager

DAMY DOCUMENTS AND UALISE DAY

P.O. Box 7183 Likeland, Florida 33807 • Telephone (944) 644-0665 Fax (944) 646-1880 \$63



Aqua Clean 2003 Annual PCW Report



February 27, 2004

Mr. Raoul Clarke Hazardous Waste Management Section MS 4555 Twin Towers Office Building 2600 Blair Stone Road Tallahassee, Florida 32399-2400



HAZARDOUS WASTE

Re: Report required under rule 62-740.300(5), F.A.C.

Dear Mr. Clarke,

This letter shall constitute our report to the Department as required by the above referenced rule.

Total quantity PCW received by our facility during 2003------ 1006587 gallons

Total product recovered during 2003--- 0 gallons Total estimated water in product-- 0 gallons Estimated net product recovered-

Please contact the writer if there are questions.

General Manager



Aqua Clean





PCW Recovery Facility - Aqua Clean July 7, 2011 Fire











July 7, 2011 Shipping Document

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	LAKELAND FL 33810		FLR 00003	4033	F. Facility's Phone 844 PC65					
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July 7, 2011 Shipping Profile

07/06/2011 11:52 FAX 863 519 6363

Clean Harbors Env.

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MATERIAL DATA CERTIFICATION SHEET

AQUA CLEAN ENVIRONMENTAL COMPANY, INC. 3210 WHITTEN ROAD LAKELAND, FL PHONE: (863) 644-0665 FAX: (863) 646-1880

GENERATOR CERTIFICATION Generator Name: Spangler Terminal Marathon Address: 909 South East 24th Street City: Ft Lauderdale State: Florida Zip: 33316 Contact: Manny Jeffers Phone: 954-525-8410 Fax: BILLING INFORMATION Bill To: Clean Harbors Environmental Services Address: 170 Bartow Municipal Airport City: Bartow State: FL Zip: 33830 Billing Contact: Deanna McDuffie Phone: 863-533-6111 Fax: 863-519-6306 TRANSPORTATION INFORMATION Transporter: Clean Harbors Environmental Services Estimated Total Gallons Shipping Shipping Container Frequency 3000-5000 Drum One Time Actual Mrahamatom Time Actual Mrahamatom Time Actual Mrahamatom Time D.O.T SHIPPING NAME: Non Hazardous, Non-DOT regulated, (petroleum product succence MATERIAL COMPOSITION Component Concentration	
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July 7, 2011 Shipping Profile

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Clean Harbors Env.

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Color/Appearance _	clear		
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Chromium		1,4 Dichlorobenzene	
Copper		Ethylbenzene	
Cyanide		Methyl Chloride	
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PCW Recovery Facility - Aqua Clean April 3, 2012 Fire











April 3, 2012 Shipping Document

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, p	NON-HAZARDOUS	1. Generator's US EPA ID No.			Document No.		of
	WASTE MANIFEST Generator's Name and Mailing Address	000	×1/1/18				
-37	Generator's Name and Maining Address	(05 SE.DI Soureville, FI	Lick Life.	- }			
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	G. Additional Descriptions for Materials Listed Ab	ove .			H. Handling (Codes for Wastes Listed	Above
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			and training and accountably descri	bed and ar	e in all respects	SERVICE SERVICE OF	north page many
J	16. GENERATOR'S CERTIFICATION: I heroby in proper condition for transport. The material	certify that the contents of this shipment als described on this manifest are not sub	ject to federal hazardous wast	e regulatio	ns.		
							Month Day
	Printed/Typed Name		Signature	-	Ben	λ	743
4	X 2	~7	<u> </u>		/JC /4		Date
Ī	17. Transporter 1 Acknowledgement of Receipt	of Materials	Signature	-	100	1	Month Day
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ış	18. Transporter 2 Acknowledgement of Receip	of Materials				//	Month Day
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ORT.	Ladination Space						_
THAZWPORTHR.	19. Discrepancy Indication Space						
F	1						
F			this	d in item 10			
$\overline{}$	1	receipt of the waste materials covered b	y this manifest, except as note	d in item 19). 		Date



Questions?



