

CHAPTER 62-740 PETROLEUM CONTACT WATER

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62-740.010 Declaration of Intent.

The Florida Department of Environmental Protection (the Department) adopted these management practices for petroleum contact water (PCW) destined for product recovery to help ensure that PCW is managed in a manner that is protective of human health and the environment, to encourage conservation of natural resources, and to promote waste minimization. Adoption of these management practices is intended to define when the PCW is managed as a recoverable material and when the PCW is regulated as a solid waste.

Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History--New 12-18-95.

62-740.020 Applicability.

These management practices apply to any person producing, transporting or storing PCW for the purpose of recovering product and to any person recovering product from PCW. These management practices do not apply to materials not meeting the definition of PCW or used oil, oily waste or other materials regulated under Chapter 62-710, F.A.C.

Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History--New 12-18-95.

62-740.030 Definitions.

(1) "Petroleum Contact Water" or "PCW" means water containing product.

(a) Examples of materials that meet the definition of PCW include the following:

1. Condensate from underground and aboveground petroleum tanks.

2. Water bottoms or drawdown water removed from a petroleum storage tank system as defined in Chapters 62-761 and 62-762, F.A.C.

3. Product, or water in contact with product which displays a visible sheen contained in spill containment and secondary containment areas associated with petroleum tank storage, petroleum transportation, and petroleum distribution systems; however, stormwater that displays a visible sheen contained in spill containment and secondary containment areas associated with a diesel or No. 2 fuel storage tank, transportation or distribution system is not PCW.

4. Petroleum tank filler sump and dispenser sump water.

5. Recovered product or water in contact with product, which does not contain hazardous constituents other than petroleum, from first response actions to petroleum spills or from petroleum contamination site cleanups conducted under Chapter 62-770, F.A.C.

6. Aboveground petroleum tank seal leakage water.

7. Pumpable liquids from petroleum tank cleaning operations.

(b) Examples of materials that do not meet the definition of PCW include the following:

1. Equipment or vehicle wash water.

2. Bilge water.

3. Separated solids from tank cleaning operations.

4. Groundwater contaminated with hazardous constituents other than PCW.

5. Wastewaters regulated or permitted under other applicable Department rules or standards, such as Chapters 62-620 and 62-660, F.A.C.

(2) "Petroleum refinery" means a location with a primary Standard Industrial Classification (SIC) code facility classification of 2911, Petroleum Refining.

(3) "Producer" means any person, within the meaning of Section 403.703(4), F.S., by site, whose act or process generates PCW or whose act first causes PCW to become subject to regulation. This term includes owners and operators of storage tank systems regulated under Chapters 62-761 and 62-762, F.A.C., examples include owners or operators of retail service stations, convenience stores, wholesale product distribution facilities, product terminals, pipeline break-out tanks, and aboveground storage tanks where PCW is collected. A producer may recover product from PCW it produces or receives from another producer without becoming classified as a recovery facility.

(4) "Product" means petroleum product as defined in Section 376.301(16), F.S. (1993).

(5) “Recovery facility” means a facility, that recovers product from PCW beyond the level of recovery obtained by a producer and meets the PCW management practices for recovery facilities. A recovery facility is not considered a producer, except for the PCW it may produce on site from its product storage tanks.

(6) “Site” means the contiguous land upon which a producer is located.

(7) “Transporter” means a person who transports PCW off site by rail or over public roads.

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62-740.040 General.

(1) A producer shall determine whether to recover product from PCW.

(2) If a producer decides not to recover product from the PCW, or the PCW contains hazardous constituents above those found in the product that produced the PCW, the PCW is a solid waste and the producer of the PCW shall determine whether the PCW is a hazardous waste in accordance with 40 CFR 262.11, as adopted by reference in Chapter 62-730, F.A.C.

(3) A producer that has determined PCW to be a hazardous waste, and has determined not to recover product, shall manage the PCW in accordance with Chapter 62-730, F.A.C.

(4) A producer that has determined PCW to be non-hazardous, and has determined not to recover product is only subject to the provisions of paragraphs 62-740.040(4)(a)-(f), F.A.C., below, regarding the management and disposal of the PCW.

(a) Transporting and disposing of the PCW off site at a Publicly Owned Treatment Works (POTW) subject to regulation under section 402 or section 307(b) of the Clean Water Act, as amended, or other facility permitted by the Department;

(b) Transporting and disposing of the PCW off site at a pre-treatment facility connected to a POTW subject to regulation under section 402 or section 307(b) of the Clean Water Act, as amended;

(c) Transporting or piping the PCW to an on site treatment facility permitted by the Department, the United States Environmental Protection Agency, or certified, pursuant to Chapter 403, Part II, Florida Statutes and Chapter 62-17, F.A.C.;

(d) Transporting or piping the PCW to an on site storage or slop tank;

(e) Transporting the PCW to a recovery facility that meets the requirements of this chapter; or

(f) Transporting the PCW to a facility which has a currently valid industrial waste permit, air operating permit, or other local, state or federal permit, provided that the PCW is managed at the facility in a manner to prevent any violation of Department ground water, surface water, and air emissions standards.

(5) If a producer decides to recover product or have product recovered from PCW, the producer must maintain adequate records including documentation of process knowledge or test results to demonstrate that the PCW:

(a) Contains a recoverable product,

(b) Is managed as a product,

(c) Undergoes product recovery,

(d) Is managed in accordance with the applicable PCW management practices, and

(e) Does not contain levels of hazardous constituents above those found in the source of the PCW.

(6) Methods used for recovery of product in PCW include the following:

(a) Phase separation of product from PCW by the producer.

(b) Use of one or more oil/water separators by the producer.

(c) Use of available technology on site by the producer beyond oil/water separators (e.g., centrifuge, filter press, thermal desorption, etc.).

(d) Shipment of PCW to and reintroduction of the PCW into a petroleum refinery.

(e) Recovery of product from PCW at a recovery facility.

(7) If a producer conducts initial on site recovery of product from PCW by one or more of the methods in subsection (6) above and determines not to recover additional product the producer is subject to and must comply with subsections (2), (3) and (4) of this section.

(8) PCW managed for the recovery of product in accordance with the management standards contained in this chapter is not a solid waste as defined in 40 CFR Part 261.2.

Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History–New 12-18-95.

62-740.100 Management Practices for Producers of PCW for Product Recovery.

(1) If subject to regulation under Chapter 62-761 or 62-762, F.A.C., a producer shall register with the Department PCW storage tanks which are not those tanks in which PCW is initially produced and shall manage such PCW storage tanks in accordance with those rule chapters. These PCW storage tanks must be clearly labeled or marked with the words “Petroleum Contact Water.” A producer may either maintain on site records that reflect accumulation and removal dates of PCW from such storage tanks or clearly mark the PCW storage tanks with the date when PCW accumulation first begins after the existing PCW in the storage tank has been removed.

(2) A producer that stores PCW in containers or tanks that are not required to be registered under Chapter 62-761 or 62-762, F.A.C., shall:

(a) Ensure that the container or tank is made of or lined with material that is compatible with PCW;

(b) Keep the container or tank closed and stored in a safe manner;

(c) Label or mark the container or tank clearly with the words "Petroleum Contact Water" and the date when PCW accumulation first begins after the existing PCW in the container or tank has been removed;

(d) Not handle the container or tank in a manner that may rupture it or cause it to leak; and

(e) Inspect the container or tank for leaks and deterioration at least weekly.

(3) A producer shall not store PCW in containers or tanks for more than 180 days. Producers utilizing continuous input output tanks may demonstrate compliance with this paragraph by maintaining inventory records showing throughout of more than 100% of the tank capacity or the in-put PCW during a 180-day period.

(4) A producer shall include a shipping paper with each off site shipment of PCW. The shipping paper shall identify the PCW as "Petroleum Contact Water."

(5) A producer shall notify the recovery facility receiving its PCW that the PCW does not contain levels of hazardous constituents above those found in the source of the PCW.

(6) A producer with on site product storage capacity of less than 95,000 gallons shall maintain records of the following PCW related activity for 3 years and shall make the records available to the Department upon five working days notice if records are not maintained on site. A producer with on site product storage capacity of 95,000 gallons or more shall maintain records of the following PCW related activity for 3 years, shall maintain these records on site, and shall make these records available to the Department upon request. On site record retention may include the use of electronic media such as computers or telephone facsimiles. Records shall include:

(a) Date and volume of the PCW removed from the product or PCW tank and shipped off site.

(b) Names and addresses of transporters shipping PCW off site.

(c) Name and address of the PCW receiving facility destination.

(d) A copy of the shipping paper included with each shipment of PCW.

(e) A copy of the written 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 of the PCW.

(f) Copies of weekly container or tank inspections required under paragraph (2)(e) of this section.

(7) If a producer ships PCW within Florida, the producer shall only ship PCW to another producer, a petroleum refinery, a recovery facility that meets the PCW management practices, or a permitted hazardous waste facility.

(8) If a producer ships PCW outside Florida, the producer and transporter will be subject to the receiving state's laws and regulations pertaining to the management of PCW upon leaving the State of Florida. Within the boundaries of the State of Florida, the producer and transporter must maintain compliance with Chapter 62-740, F.A.C.

(9) A producer shipping PCW off site by rail or over public roads for recovery shall use a hazardous waste transporter or a transporter who has received a DEP/EPA ID number by notifying the Department on EPA Form 8700-12 of its intent to transport PCW.

(10) A producer 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.

Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History--New 12-18-95.

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.

Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History--New 12-18-95.

62-740.300 Management Practices for Recovery Facilities.

(1) A recovery facility receiving PCW shall:

(a) Obtain a hazardous waste facility operation permit in accordance with Rules 62-730.200 and 62-730.231, F.A.C.;

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

(c) Obtain a used oil processing general permit in accordance with Rule 62-710.800, F.A.C., except for subsections 62-710.800(5) and (6). For the purpose of this permit, the words "used oil" shall mean "PCW" and the phrase "used oil processing facility" shall mean "PCW recovery facility."

(2) A recovery facility shall meet the following requirements:

(a) Store PCW in registered tanks in accordance with the applicable requirements for the storage of pollutants as specified in Chapter 62-761 or 62-762, F.A.C.

(b) Store PCW in containers or tanks that are not required to be registered under Chapter 62-761 or 62-762, F.A.C., in accordance with the requirements in subsection 62-740.100(2), F.A.C.

(c) Maintain records of the following PCW related activities for each shipment of PCW received for a minimum of 3 years, maintain the records on site, and make the records available to the Department upon request:

1. Name and address of the PCW producer.

2. Name and address of the PCW transporter.

3. Date of receipt of the PCW shipment.

4. Volume of the PCW received.

5. A copy of the shipping paper used for shipment of the PCW.

6. Documentation of weekly container or tank inspections required in paragraph 62-740.100(2)(e), F.A.C.

(3) A recovery facility shall be able to demonstrate to the Department by operating procedures or records kept on site that, under normal operating practices, it recovers product from PCW.

(4) A recovery facility shall obtain written assurances from the producer that the PCW does not contain levels of hazardous constituents above those found in the source of the PCW. These written assurances must be maintained by the recovery facility for 3 years.

(5) A recovery facility shall maintain records documenting quantities of product recovered from PCW and submit a report to the Department by March 1 of each year. 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.

(6) A recovery facility shall test and manage all waste residuals after the recovery of product as appropriate in accordance with Chapter 62-730, F.A.C., or other applicable rules of the Department.

Specific Authority 376.303, 403.721 FS. Law Implemented 376.30, 376.302, 376.303, 403.702, 403.704, 403.72, 403.721 FS. History--New 12-18-95.