

LIABILITY INSURANCE GUIDELINES FOR HAZARDOUS WASTE AND USED OIL TRANSPORTERS

The purpose of the following guidelines is to help Hazardous Waste Transporters (HWTs) and Used Oil Transporters (UOTs) send correct and timely liability insurance forms to the Department for their annual registration or approval. Processing transporter registrations with incorrect or missing liability insurance information can be a significant cause of delays before the registration can be completed. The Department wants to provide this additional guidance so that we may complete the registration process as quickly and efficiently as possible.

Who is required to submit evidence of liability insurance?

- Any person who transports manifested hazardous waste within the state, except for states and federal government agencies.
- Any person who transports more than 500 gallons annually of used oil over public highways unless the used oil transporter always ships less than 55 gallons at any time or is under contract with a local government to transport used oil collected from households to a public used oil collection center.

Why are liability insurance forms submitted to the Department?

- State law requires HWTs to have a surety bond or liability insurance to guarantee financial responsibility for any liability which may be incurred in the transportation of hazardous waste [s. 403.724(7), Florida Statutes (F.S.)]. State law also requires UOTs to provide proof of liability insurance or other means of financial responsibility for any liability which may be incurred in the transport of used oil [403.767, F.S.].
- Florida rules require that HWTs and UOTs submit evidence of financial responsibility using the appropriate forms [Rules 62-730.170 and 62-710.600, Florida Administrative Code (F.A.C.)].

What liability insurance form should be sent to the Department?

- The HWT sends one or more of the following forms:
 - Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler, Form 62-730.900(5)(a), effective 4-23-13
 - Hazardous Waste Transporter Liability Endorsement, Form 62-730.900(5)(b), effective 4-23-13
 - Hazardous Waste Transporter Liability Surety Bond, Form 62-730.900(5)(c), effective 4-23-13
- The UOT sends the following form:
 - Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler, Form 62-730.900(5)(a), effective 4-23-13

Note: the chief financial officer of the UOT may provide evidence of self-insurance [62-710.600(2)(e)b., F.A.C.]

Fill-able forms can be downloaded from the following websites and saved on your local computer with your information.

For HWTs: http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm

For UOTs: http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm

Additional general information and copies of the rules may be found at:

http://www.dep.state.fl.us/waste/quick_topics/rules/default.htm

Is an ACORD form acceptable in place of the above liability insurance forms?

- An ACORD form is acceptable *only if* the following conditions are met:
 1. The Department has one of the above liability insurance forms on file for the facility and the information on the form is up-to-date.
 2. The information on the ACORD form matches the information on the latest liability insurance form on file.
 3. The insurance carrier has not changed.
 4. The policy and its coverage have not changed. This is most readily determined by the policy number if the policy number on the ACORD form matches exactly with the policy number on the liability insurance form on file. If the policy number has changed in any way, an ACORD form is not accepted unless the Department has received proper documentation ensuring that the policy referenced on the ACORD form is the same as the liability insurance form on file. For example, your insurance company may be able to provide a letter documenting that the liability policy and its coverage limits have not changed along with an ACORD form.

When should the liability insurance form be sent to the Department?

- The HWT approval expires November 30 of each year. Renewal documents, including a current liability insurance form, are due to the Department by the prior September 1.
- The UOT registration expires June 30 of each year. Renewal documents, including a current liability insurance form, are due to the Department by the prior March 1.
- The insurance form can be sent directly by the insurance company or by the facility with the other documents required for Department approval. The transporter is responsible for making sure the information on the form is correct.

Note: both the HWT and UOT are required to maintain vehicle insurance including pollution coverage.

Where should the liability insurance form be sent?

- The original form (all pages) with an original signature is mailed to:
*DEP Waste Management Division – Mail Station 4560
2600 Blair Stone Rd. Tallahassee, FL 32399-2400*
- Faxed, emailed, and copied forms can not currently be accepted given the requirement for an original signature.

What does the Department do with the liability insurance form?

- When the form is received at the above address, it is logged and sent for scanning into the database.
- After the form is scanned, it is reviewed for accuracy and completeness. At this point, the facility may be contacted for additional information, or a revised form if needed.
- If the form is accurate and complete, it will become part of the registration package, or used to update the facility's insurance information in the database for future registration.

How long does it take to issue a registration or approval?

- HWTs: If *all* of the required documents have been received by September 1, and they are *all* complete and accurate, the registration will be issued no later than November 30.
- UOTs: If *all* of the required documents have been received by March 1, and they are *all* complete and accurate, the registration will be issued no later than June 30.
- If additional information or documents are required, the process time will vary depending on how quickly any corrected documents or additional information is received.

How can we speed up the process?

- You can help prevent unnecessary delays by verifying the following questions before mailing the insurance liability form to the Department:
 1. Is it the correct form?
 2. Is the insurance carrier licensed to transact business in the State of Florida? See the procedure at the end of this guidance describing how this can be verified.
 3. Is the EPA identification number listed on the insurance document the same as the EPA identification number for the transporter's physical location?
 4. Is the physical address for the insurance carrier listed on the form?
 5. Is the company name and company physical address where the coverage applies listed on the form? Post office box addresses cannot be accepted since they don't show the physical address for the insured party.

6. Does the vehicle insurance provide coverage for damage to persons, property, and the environment?
 7. Is the insurance primary, with a minimum of \$1,000,000 for each accident, exclusive of legal defense costs? Excess insurance by itself is not accepted; excess insurance can only be accepted if primary insurance is available.
 8. Is the policy number listed and legible?
 9. Is the policy current beyond the registration or approval expiration date?
 10. Is the form unaltered? No scratch-outs, text additions or any other alterations of the form are allowed.
 11. Is the form signed by an authorized representative of the insurer?
 12. Is the signature original? At this time, electronic signatures cannot be accepted until enhancements are made to the department's electronic portal system to accept insurance forms.
- If the answer to any of the above questions is "no," please make the necessary corrections before mailing the form to the Department.

Who may I contact with questions or concerns?

- Please contact any of the following staff members for assistance:
 - Janet Ashwood @ 850-245-8789 or janet.ashwood@dep.state.fl.us
 - Susan Horlick @ 850-245-8778 or susan.horlick@dep.state.fl.us
- For information about the hazardous waste and used oil programs, please see the following website: <http://www.dep.state.fl.us/waste/categories/hwRegulation>

How to verify that an insurance carrier is licensed to conduct business in Florida:

- Go to the Florida Office of Insurance Regulation (OIR) website at: <http://www.floir.com/companysearch/>; enter the insurance provider's name in the rectangular box provided and click the search button at the bottom of the page (no need to enter any other information). Try the full name first and if there is no match, try fractions of the name. If several possible companies are displayed, you can identify the correct company by the insurance provider's address provided on the insurance form.
- If you cannot find a match on the OIR website, please try the Florida Surplus Lines Service Office (FSLSO) website at: <http://www.fslso.com/tools/insurer.aspx>, and see if you can find the insurance company name on the available list of eligible providers. This list is provided in alphabetical order.