



Used Oil Transporter and Transfer Facilities Guidance

Applicability: Requirements of 40 CFR 279 Subpart E, adopted by reference at 15A NCAC 13A .0118(e), apply to all used oil transporters. The used oil transporter and transfer facility requirements do not apply to:

- On-site transportation of used oil.
- Generators who transport shipments of used oil totaling no more than 55 gallons from the generator to a used oil collection center (as specified in 40 CFR 279.24(a)) or to an aggregations point (as specified in 40 CFR 279.24(b)).
- The transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner subject to 40 CFR 279.

Definitions:

Used oil transporters are persons who transport used oil, persons who collect used oil from more than one generator and transport the collected oil, and owners and operates of used oil transfer facilities.

Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and no longer than 35 days. If used oil is held for more than 35 days, the transfer facility is subject to the Used Oil Processor/Re-refiner requirements in 40 CFR 279 Subpart F.

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.41(a) and (b)	Used Oil Transporters may consolidate or aggregate loads of used oil for purposes of transportation. Unless they comply with the Used Oil Processor/Re-refiner requirements (40 CFR 279 Subpart F), they may not process used oil. - Incidental processing operations that occur in the normal course of used oil transportation (e.g. settling and water separation) are allowed. - Not allowed is incidental processing or processing that is designed to produce (or make more amendable for production of) used oil derived products.			
279.41(c)	When used oil removed from oil bearing electrical transformers and turbines, filtered by the Used Oil Transporter or used oil transfer facility and returned to its original use, the Used Oil Transporter/Transfer facility are not also subject to the Used Oil Processor/Re-refiner requirements.			
279.42	Notification - Must notify of activity as a used oil transporter and/or used oil transfer facility and obtain an EPA ID Number. In North Carolina the notification (and obtaining and EPA ID number) is done electronically using RCRAInfo.			
279.43	Used Oil Transportation			
279.43(a)	Deliveries – A used oil transporter must deliver all used oil received to: - Another used oil transporter, provided that the transporter has an EPA ID number; - A used oil processing/re-refining facility who has an EPA ID number; - An off-specification used oil burner facility who has an EPA ID number; - An on-specification used oil burner facility.			

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.43(c)	Used Oil Discharges – If used oil is discharged during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area, etc.), clean up any used oil so that the used oil discharge(s) no longer present a hazard to human health or the environment. See 40 CFR 279.43(c) for specifics.			
279.44	Rebuttable presumption for used oil			
279.44(a) and (b)	Used oil transporter must determine whether the halogen content of used oil being transported or stored at a used oil transfer facility is above or below 1,000 ppm. The transporter must make this determination by testing the used oil or applying knowledge of the halogen content of the used oil in light of the materials or processes used.			
279.44(c)	Rebuttable presumption may be used by the Used Oil Transporter if halogens are over 1000 ppm. <ul style="list-style-type: none"> - The rebuttable presumption does not apply to metalworking fluids/ fluids containing chlorinated paraffins if the material is processed, through a tolling agreement, to reclaim metalworking fluids. - The rebuttable presumption does not apply to used oils contaminated with CFCs from refrigeration units where the used oil is destined for reclamation of the CFCs. 			
279.44(d)	Used Oil Transporters must keep records of analyses conducted or information to comply with 40 CFR 279.44 for three years.			
279.45(b)	Storage Units – Used Oil Transfer Facilities must store used oil only in containers, tanks and other unit subject to regulation under 40 CFR 264 and 265.			
279.45(c)	Condition of Units - Containers and above ground tanks used to store and process used oil must be in good condition (no severe rusting, apparent structural defects or deterioration) and must not be leaking.			
279.45(d), (e) and (f)	Secondary Containment: Containers and aboveground tanks used to store or process used oil must be equipped with secondary containment which at a minimum consists of: <ul style="list-style-type: none"> - Dikes, berms or retaining walls; and - A floor that covers the entire area within the dike, berm or retaining wall; or - An equivalent secondary containment system. The entire containment system, including the walls and floor, must be sufficiently impervious to used oil to prevent any used oil released in the secondary containment system from migrating out of the system to the environment.			
279.45(g)	Labeling: <ul style="list-style-type: none"> - Containers and aboveground tanks used to store or process used oil must be labeled or clearly marked with the words “Used Oil”. - Fill pipes used to transfer used oil into underground storage tanks must be labeled or marked clearly with the words “Used Oil”. 			
279.45(h)	Response to Releases: The facility must respond to releases of used oil to the environment by doing the following: <ul style="list-style-type: none"> - Stop the release of used oil, - Contain the released used oil, - Clean up and manage properly the released used oil and other materials, and If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service.			

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.46	Tracking – Acceptance and Delivery			
279.46(a)	Used Oil Transporters must keep a record of each used oil shipment accepted for transport. Records must include the following information:			
	The name, address, and EPA ID number (if applicable) of generator, transporter, or processor/re-refiner who provided the used oil for transport;			
	The quantity of used oil accepted.			
	The date of acceptance.			
	The signature, dated upon receipt of the used oil, of the representative of the generator, transporter or processor/re-refiner who provided the used oil for transport. (Intermediate rail transporters are not required to sign the record of acceptance.)			
279.46(b) and (c)	Used Oil Transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or a to a used oil burner, processor/re-refiner, or disposal facility. These records must also be maintained for each shipment of used oil exported to any foreign country. Records of each delivery must include the following information:			
	The name, address and EPA ID number for the receiving facility or transporter.			
	The quantity of used oil delivered.			
	The date of used oil delivery.			
	The signature, dated upon receipt of the used oil, of the representative of the receiving facility or transporter. (Intermediate rail transporters are not required to sign the record of delivery).			
279.46(d)	The Used Oil Transporter must maintain at least three years of the Used oil acceptance and delivery records described in 279.46(a) and (b).			
279.47 reference to 279.10(e)	Management of Residues - Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in 40 CFR 279.10(e) – see below:			
	Materials that are reclaimed or used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:			
	<ul style="list-style-type: none"> - Not used oil and thus not subject to 40 CFR 279, and - Not solid wastes and are thus not subject to the hazardous waste regulations of 40 CFR parts 260 through 266, 268, 270, and 124 as provided in 40 CFR 261.3(c)(2)(i). 			
	Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to the regulations of 40 CFR 279.			
	Materials derived from used oil that are disposed of or used in a manner constituting disposal are:			
<ul style="list-style-type: none"> - Not used oil and thus not subject to 40 CFR 279, and - Are solid wastes and thus are subject to the hazardous waste regulations of 40 CFR parts 260 through 266, 268, 270, and 124 of this chapter if the materials are listed or identified as hazardous wastes. 				
	Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are:			
	<ul style="list-style-type: none"> - Not subject to 40 CFR 279 at this time, and - Not subject to the hazardous waste regulations of 40 CFR 260 through 266, 268, 270, and 124 at this time. 			

Additional Management Requirements that may apply to Used Oil Transporters:

- DOT Requirements: A used oil transporter must comply with all applicable US DOT regulations in 49 CFR parts 171 through 180. Persons transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171 through 180.

Additional Management Requirements that may apply to Used Oil Transfer Facilities:

- All applicable Spill Prevention, Control and Countermeasures (SPCC) (40 CFR 112)
- Underground Storage Tank (UST) (40 CFR 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste

Specifics on any item marked "No" or "N/A": _____
