



### Used Oil Processors and Re-Refiners Guidance

Applicability: Requirements of 40 CFR 279 Subpart F, adopted by reference at 15A NCAC 13A .0118(f), apply to owners and operator of facilities who process used oil.

- Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amendable for production of, fuel oils, lubricants or other used oil-derived products.
- Processing includes but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration simple distillation, chemical or physical separation and re-refining.

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.51	<b>Notification</b> - Must notify electronically in RCRAInfo as a Used Oil Processor/Re-Refiner and obtain an EPA ID number.			
279.52(a)	<b>Preparedness &amp; Prevention</b>			
279.52(a)(1)	<b>Maintenance and Operation of Facility:</b> Facility must be maintained to minimize the possibility of a release, fire, or explosion.			
279.52(a)(2)	<b>Required Equipment:</b> All facilities must be equipped with below specified equipment unless none of the hazards posed by used oil handled at the facility could require the kind of equipment specified.			
279.52(a)(2)(i)	Facility must have an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.			
279.52(a)(2)(ii)	Facility must have a communication device immediately available at the scene of operations capable of summoning outside emergency assistance.			
279.52(a)(2)(iii)	Facility must have portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment.			
279.52(a)(2)(iv)	Facility must have water at adequate volume and pressure to supply fire control equipment.			
279.52(a)(3)	<b>Testing and Maintenance of Equipment:</b> All emergency equipment (communications, alarm systems, fire protection, spill control and decontamination equipment) must be tested and maintained for proper operation.			
279.52(a)(4)	<b>Access to Communications/Alarm Systems:</b> A communication device must be immediately accessible wherever used oil is being poured, mixed, spread, or handled.			
279.52(a)(5)	<b>Required Aisle Space:</b> Adequate aisle space is required for the entire facility for the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment, unless aisle space is not needed for any of these purposes.			

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		Yes	No	N/A
279.52(a)(6)	<b>Arrangements with Local Authorities</b>			
279.52(a)(6)(i)(A)	Arrangements must be made to familiarize police, fire department and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes.			
279.52(a)(6)(i)(B)	Arrangements must be made if more than one police and fire department might respond to an emergency to designate which agency is the primary emergency responder and which will provide support.			
279.52(a)(6)(i)(C)	Arrangements must be made with the State emergency response teams, state emergency response teams, emergency response contractors, and equipment suppliers			
279.52(a)(6)(i)(D)	Arrangements must be made to familiarize local hospitals with the properties of used oil handled at the facility and types of injuries and illnesses which could result from fires, explosions or releases at the facility.			
279.52(b)	<b>Contingency Plan and Emergency Procedures</b>			
279.52(b)(1)	Facility must have a contingency plan for the facility.			
279.52(b)(2)(i)	The plan must describe actions personnel will take to respond to fires, explosions and spills at the facility.			
279.52(b)(2)(iii)	The plan must describe arrangements agreed to by local fire and police departments, hospitals, contractors to coordinate emergency services.			
279.52(b)(2)(iv)	The plan must list names, addresses (home and office), phone numbers (home and office) of the emergency coordinators.			
279.52(b)(2)(v)	The plan must include a list of all emergency equipment (fire extinguishing systems, spill control equipment, internal and external communications and alarm systems, and decontamination equipment. The list must be up to date and describe the location of the equipment, a physical description of each item and a brief outline of the capabilities of the equipment.			
279.52(b)(2)(vi)	The plan must include an evacuation plan for facility personnel, describe the signal(s) used to begin evacuation, and describe the primary and secondary evacuation routes.			
279.52(b)(3)	<b>Copies of the Contingency Plan:</b> Copies of the plan and all revisions must be maintained onsite and submitted to local emergency authorities.			
279.52(b)(4)	<b>Amendment of the Contingency Plan:</b> The plan must be revised when the regulations are revised; the plan fails; the facility changes in design, construction, operation or maintenance; when the emergency coordinators change or when emergency equipment changes.			
279.52(b)(5)	<b>Emergency Coordinator:</b> The facility must designate an emergency coordinator. The emergency coordinator must have the authority to commit the resources needed to carry out the contingency plan and be either on site or available to respond to an emergency by reaching the facility within a short period of time. The emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of used oil handled, the location of all records at the facility, and the facility layout.			
279.52(b)(6)	<b>Emergency Procedures:</b> If there is an emergency, the facility must follow all emergency procedures at 279.52(b)(6)(i)-(ix).			

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		Yes	No	N/A
279.53	<b>Rebuttable Presumption for Used Oil</b>			
279.53(a) and (b)	Facility must determine the total halogen content of used oil. Totals must be below 1,000 ppm. This can be done by analytical or generator knowledge.			
279.53(c)	Rebuttable presumption may be used if halogens are over 1,000 ppm. <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul>			
279.54	<b>Used Oil Management</b>			
279.54(a)	<b>Management Units:</b> Used oil may only be stored in containers, tanks and other unit subject to regulation under 40 CFR 264 and 265.			
279.54(b)	<b>Condition of Units:</b> 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.			
279.54(c), (d), (e)	<b>Secondary Containment:</b> 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"> <li>- Dikes, berms or retaining walls; and</li> <li>- A floor that covers the entire area within the dike, berm or retaining wall; or</li> <li>- An equivalent secondary containment system.</li> </ul> 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.			
279.54(f)	<b>Labeling:</b> <ul style="list-style-type: none"> <li>- Containers and aboveground tanks used to store or process used oil must be labeled or clearly marked with the words "Used Oil"</li> <li>- Fill pipes used to transfer used oil into underground storage tanks must be labeled or marked clearly with the words "Used Oil"</li> </ul>			
279.54(g)	<b>Response to Releases:</b> The facility must respond to releases of used oil to the environment by doing the following: <ul style="list-style-type: none"> <li>- Stop the release of used oil,</li> <li>- Contain the released used oil,</li> <li>- Clean up and manage properly the released used oil and other materials, and</li> <li>- If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service.</li> </ul>			
279.54(h)(1)	<b>Closure (Aboveground Tanks)</b> - At closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under 40 CFR 261. If the contaminated soils cannot be practicably removed or decontaminated, the tank must be closed and the owner/operator must perform post-closure care in accordance with the requirements of 40 CFR 265.310.			

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		Yes	No	N/A
279.54(h)(2)	<b>Closure (Container)</b> - At closure, containers holding used oils or residues of used oil must be removed from the site. The owner/operator must remove or decontaminated used oil residues, contaminated containment system components, contaminate soils, and structures and equipment contaminated with used oil and manage them as hazardous waste unless they are not hazardous waste under 40 CFR 261.			
279.55	<b>Analysis Plan</b> - Facility must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of 40 CFR 279.53 (Rebuttable Presumption) and if applicable 40 CFR 279.27 (On-Specification). The plan must be available on site.			
279.55(a)	<b>Waste Analysis for Rebuttable Presumption for Used Oil:</b> At a minimum, the analysis plan must specify whether the sample analysis or knowledge of the halogen content of the used oil will be used when making a rebuttable presumption for used oil.			
	If sample analysis is used to make this determination the following must be specified: <ul style="list-style-type: none"> <li>- The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either: <ul style="list-style-type: none"> <li>▪ One of the sampling methods in 40 CFR 261 Appendix I; or</li> <li>▪ A method shown to be equivalent under 40 CFR 262.20 and 260.21;</li> </ul> </li> <li>- The frequency of sampling to be performed and whether the analysis will be performed on-site or off-site.</li> <li>- The methods used to analyze used oil for the parameters specified in 40 CFR 279.53 (for making a rebuttable presumption).</li> </ul>			
	At a minimum, the analysis plan must specify the type of information that will be used to determine the halogen content of the used oil.			
279.55(b)	<b>Waste Analysis for On-Specification Used Oil:</b> At a minimum, the analysis plan must specify whether sample analyses or other information will be used to make a determination of on-specification used oil fuel in 40 CFR 279.72 (when the facility makes the claim of on-specification used oil fuel).			
	If applicable (when the facility makes the claim of on-specification used oil fuel) and if sample analyses are used to make this determination the following must be specified: <ul style="list-style-type: none"> <li>- The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either: <ul style="list-style-type: none"> <li>▪ One of the sampling methods in 40 CFR 261 Appendix I; or</li> <li>▪ A method shown to be equivalent under 40 CFR 262.20 and 260.21;</li> </ul> </li> <li>- Whether the used oil will be sampled and analyzed prior to or after any processing/re-refining;</li> <li>- The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and</li> <li>- The methods used to analyze used oil for the parameters specified in 40 CFR 279.72 (for making an on-specification used oil fuel determination).</li> </ul>			
	If applicable (when the facility makes a claim of on-specification), at a minimum, the analysis plan must specify the type of information that will be used to make the on-specification used oil fuel determination.			

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		Yes	No	N/A
279.56	<b>Tracking – Acceptance and Delivery</b>			
279.56(a)	<b>Acceptance:</b> Records of each used oil shipment accepted for processing/re-refining must be kept. Records can be in the form of a log, invoice, manifest, bill of lading or other shipping documents. Records must include the following information:			
	The name, address, and EPA ID number of the transporter who delivered the used oil to the processor/re-refiner.			
	The name, address, and EPA ID number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining.			
	The quantity of used oil accepted.			
	The date of acceptance.			
279.56(b)	<b>Delivery:</b> Records of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility must be kept. Records can be in the form of a log, invoice, manifest, bill of lading or other shipping documents. Records must include the following information:			
	The name, address and EPA ID number for the transporter who delivers the used oil to the used oil burner, used oil processor/re-refiner, or disposal facility.			
	The name, address and EPA ID number of the burner, processor/re-refiner or disposal facility who will receive the used oil.			
	The quantity of used oil shipped.			
	The date of used oil shipment.			
279.56(c)	<b>Record Retention:</b> The facility must maintain at least three years of the Used oil acceptance and delivery records described in 279.56(a) and (b).			
279.57	<b>Operating Record and Reporting</b>			
279.57(a)(1)	The owner or operator must keep a written operating record at the facility.			
279.57(a)(2)	The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility: <ul style="list-style-type: none"> <li>- Records and results of used oil analyses performed as described in the analysis plan (required in 40 CFR 279.55)</li> <li>- Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).</li> </ul>			
279.57(b)	A used oil processor/re-refiner must report in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year: <ul style="list-style-type: none"> <li>- The EPA ID number, name and address of the processor/re-refiner;</li> <li>- The calendar year covered by the report; and</li> <li>- The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.</li> </ul>			
279.58	Used oil processors/re-refiners who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained and EPA ID number.			

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		Yes	No	N/A
279.59 reference to 279.10(e)	Owners and operators who generate residues from the storage, processing, or re-refining 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: - 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: - 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: - 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 processors/re-refiners:

- 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": \_\_\_\_\_

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