

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Used Oil
- 2) Code Citation: 35 Ill. Adm. Code 739
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
739.100	Amendment
739.110	Amendment
739.120	Amendment
739.122	Amendment
739.124	Amendment
739.130	Amendment
739.131	Amendment
739.132	Amendment
739.140	Amendment
739.141	Amendment
739.144	Amendment
739.145	Amendment
739.146	Amendment
739.150	Amendment
739.152	Amendment
739.154	Amendment
739.156	Amendment
739.160	Amendment
739.161	Amendment
739.163	Amendment
739.164	Amendment
739.165	Amendment
739.166	Amendment
739.170	Amendment
739.174	Amendment
739.175	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 739 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702, 704, 705, 720 through 728, 730, 733, 738, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 730, 733, 738, 739, and 810 through 812. To save space, a

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STATE OF ILLINOIS
Pollution Control Board

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more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 730. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 739 incorporate elements of the Generator Improvements Rule. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

Michael J. McCambridge
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Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed

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amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

The full text of the Proposed Amendments begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
5

6 PART 739
7 STANDARDS FOR THE MANAGEMENT OF USED OIL
8

9 SUBPART A: DEFINITIONS
10

11 Section
12 739.100 Definitions
13

14 SUBPART B: APPLICABILITY
15

16 Section
17 739.110 Applicability
18 739.111 Used Oil Specifications
19 739.112 Prohibitions
20 739.113 Electronic Reporting
21

22 SUBPART C: STANDARDS FOR USED OIL GENERATORS
23

24 Section
25 739.120 Applicability
26 739.121 Hazardous Waste Mixing
27 739.122 Used Oil Storage
28 739.123 On-Site Burning in Space Heaters
29 739.124 Off-Site Shipments
30

31 SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS
32 AND AGGREGATION POINTS
33

34 Section
35 739.130 Do-It-Yourselfer Used Oil Collection Centers
36 739.131 Used Oil Collection Centers
37 739.132 Used Oil Aggregate Points Owned by the Generator
38

39 SUBPART E: STANDARDS FOR USED OIL TRANSPORTER
40 AND TRANSFER FACILITIES
41

42 Section
43 739.140 Applicability

- 44 739.141 Restrictions on Transporters that Are Not Also Processors
- 45 739.142 Notification
- 46 739.143 Used Oil Transportation
- 47 739.144 Rebuttable Presumption for Used Oil
- 48 739.145 Used Oil Storage at Transfer Facilities
- 49 739.146 Tracking
- 50 739.147 Management of Residues

51

52 SUBPART F: STANDARDS FOR USED OIL PROCESSORS

53

54 Section

- 55 739.150 Applicability
- 56 739.151 Notification
- 57 739.152 General Facility Standards
- 58 739.153 Rebuttable Presumption for Used Oil
- 59 739.154 Used Oil Management
- 60 739.155 Analysis Plan
- 61 739.156 Tracking
- 62 739.157 Operating Record and Reporting
- 63 739.158 Off-Site Shipments of Used Oil
- 64 739.159 Management of Residues

65

66 SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
67 OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

68

69 Section

- 70 739.160 Applicability
- 71 739.161 Restriction on Burning
- 72 739.162 Notification
- 73 739.163 Rebuttable Presumption for Used Oil
- 74 739.164 Used Oil Storage
- 75 739.165 Tracking
- 76 739.166 Notices
- 77 739.167 Management of Residues

78

79 SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

80

81 Section

- 82 739.170 Applicability
- 83 739.171 Prohibitions
- 84 739.172 On-Specification Used Oil Fuel
- 85 739.173 Notification
- 86 739.174 Tracking

87 739.175 Notices

88

89

SUBPART I: DISPOSAL OF USED OIL

90

91 Section

92 739.180 Applicability

93 739.181 Disposal

94 739.182 Use As a Dust Suppressant

95

96 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
97 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

98

99 SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in
100 R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616,
101 effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995;
102 amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in
103 R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28
104 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094,
105 effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective
106 December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008;
107 amended in R06-20(A) at 34 Ill. Reg. 3296, effective February 25, 2010; amended in R06-20(B)
108 at 34 Ill. Reg. 17381, effective October 29, 2010; amended in R13-15 at 37 Ill. Reg. 17963,
109 effective October 24, 2013; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective
110 _____.

111

SUBPART A: DEFINITIONS

112

113 **Section 739.100 Definitions**

114

115 Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same
116 meanings when used in this Part.

117

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119

"Aboveground tank" means a tank used to store or process used oil that is not an
120 underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

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129

"Classification", as used in this Part, means a short description of the waste
generating activity and designation as either hazardous waste with the appropriate

130 hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or
131 nonhazardous other special waste.

132
133 "Container" means any portable device in which a material is stored, transported,
134 treated, disposed of, or otherwise handled.

135
136 "Do-it-yourselfer used oil collection center" means any site or facility that accepts
137 or aggregates and stores used oil collected only from household do-it-yourselfers.

138
139 "Existing tank" means a tank that is used for the storage or processing of used oil
140 and that is in operation, or for which installation had commenced on or prior to
141 October 4, 1996. Installation will be considered to have commenced if the owner
142 or operator had obtained all federal, state, and local approvals or permits
143 necessary to begin installation of the tank and if either of the following had
144 occurred:

145
146 A continuous on-site installation program had begun, or

147
148 The owner or operator had entered into contractual obligations that cannot
149 be canceled or modified without substantial loss for installation of the tank
150 to be completed within a reasonable time.

151 BOARD NOTE: This definition is similar to the definition for "Existing tank
152 system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the
153 definition given above for "existing tank" in this Part limits the tanks to those used
154 to store or process used oil, whereas the 720.110 definition contemplates tanks
155 systems that contain hazardous wastes. This definition of existing tank is limited
156 to this Part only.

157
158 "Household 'do-it-yourselfer' used oil" means oil that is derived from households,
159 such as used oil generated by individuals who generate used oil through the
160 maintenance of their personal vehicles.

161 BOARD NOTE: Household "do-it-yourselfer" used oil is not subject to the State's
162 special waste hauling permit requirements under Part 809.

163
164 "Household 'do-it-yourselfer' used oil generator" means an individual who
165 generates household "do-it-yourselfer" used oil.

166
167 "New tank" means a tank that will be used to store or process used oil and for
168 which installation had commenced after October 4, 1996.

169 BOARD NOTE: This definition is similar to the definition given for "New tank
170 system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar,
171 the definition given above for "new tank" in this Part limits the tanks to those
172 used to store or process used oil, whereas the 720.110 definition contemplates

173 new tanks systems that contain hazardous wastes. This definition of new tank is
 174 limited to this Part only.

175
 176 "Petroleum refining facility" means an establishment primarily engaged in
 177 producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants,
 178 through fractionation, straight distillation of crude oil, redistillation of unfinished
 179 petroleum derivatives, cracking, or other processes (i.e., facilities classified as
 180 SIC 2911).

181
 182 "Processing" means chemical or physical operations designed to produce from
 183 used oil, or to make used oil more amenable for production of, fuel oils,
 184 lubricants, or other used oil-derived product. Processing includes, but is not
 185 limited to the following: blending used oil with virgin petroleum products,
 186 blending used oils to meet the fuel specification, filtration, simple distillation,
 187 chemical or physical separation, and re-refining.

188
 189 "Re-refining distillation bottoms" means the heavy fraction produced by vacuum
 190 distillation of filtered and dehydrated used oil. The composition of still bottoms
 191 varies with column operation and feedstock.

192
 193 "Tank" means any stationary device, designed to contain an accumulation of used
 194 oil that is constructed primarily of non-earthen materials (e.g., wood, concrete,
 195 steel, plastic) which provide structural support.

196
 197 "Used oil" means any oil that has been refined from crude oil or any synthetic oil
 198 that has been used and as a result of such use is contaminated by physical or
 199 chemical impurities.

200
 201 "Used oil aggregation point" means any site or facility that accepts, aggregates, or
 202 stores used oil collected only from other used oil generation sites owned or
 203 operated by the owner or operator of the aggregation point, from which used oil is
 204 transported to the aggregation point in shipments of no more than 55 gallons (208
 205 ℓ). Used oil aggregation points may also accept used oil from household do-it-
 206 yourselfers.

207
 208 "Used oil burner" means a facility where used oil not meeting the specification
 209 requirements in Section 739.111 is burned for energy recovery in devices
 210 identified in Section 739.161(a).

211
 212 "Used oil collection center" means any site or facility that is registered by the
 213 Agency to manage used oil and accepts or aggregates and stores used oil collected
 214 from used oil generators regulated under Subpart C of this Part that bring used oil
 215 to the collection center in shipments of no more than 55 gallons (208 ℓ) under the

216 provisions of Section 739.124. Used oil collection centers may also accept used
217 oil from household do-it-yourselfers.

218
219 "Used oil fuel marketer" means any person that conducts either of the following
220 activities:

221
222 Directs a shipment of off-specification used oil from their facility to a used
223 oil burner; or

224
225 First claims that used oil that is to be burned for energy recovery meets the
226 used oil fuel specifications set forth in Section 739.111.

227
228 "Used oil generator" means any person, by site, whose act or process produces
229 used oil or whose act first causes used oil to become subject to regulation.

230
231 "Used oil processor" means a facility that processes used oil.

232
233 "Used oil transfer facility" means any transportation-related facility including
234 loading docks, parking areas, storage areas, and other areas where shipments of
235 used oil are held for more than 24 hours and not longer than 35 days during the
236 normal course of transportation or prior to an activity performed pursuant to
237 Section 739.120(b)(2). Transfer facilities that store used oil for more than 35
238 days are subject to regulation under Subpart F of this Part.

239
240 "Used oil transporter" means any person that transports used oil, any person that
241 collects used oil from more than one generator and that transports the collected
242 oil, and owners and operators of used oil transfer facilities. Used oil transporters
243 may consolidate or aggregate loads of used oil for purposes of transportation but,
244 with the following exception, may not process used oil. Transporters may conduct
245 incidental processing operations that occur in the normal course of used oil
246 transportation (e.g., settling and water separation), but that are not designed to
247 produce (or make more amenable for production of) used oil derived products or
248 used oil fuel.

249
250 (Source: Amended at 42 Ill. Reg. _____, effective _____)

251
252 SUBPART B: APPLICABILITY

253
254 **Section 739.110 Applicability**

255
256 This Section identifies those materials that are subject to regulation as used oil under this Part.
257 This Section also identifies some materials that are not subject to regulation as used oil under this
258 Part, and indicates whether these materials may be subject to regulation as hazardous waste

- 259 under 35 Ill. Adm. Code 702, 703, and 720 through 728.
 260
 261 a) Used oil. Used oil is presumed to be recycled, unless a used oil handler disposes
 262 of used oil or sends used oil for disposal. Except as provided in Section 739.111,
 263 the regulations of this Part apply to used oil and to materials identified in this
 264 Section as being subject to regulation as used oil, whether or not the used oil or
 265 material exhibits any characteristics of hazardous waste identified in Subpart C of
 266 35 Ill. Adm. Code 721.
 267
 268 b) Mixtures of used oil and hazardous waste.
 269
 270 1) Listed hazardous waste.
 271
 272 A) A mixture of used oil and hazardous waste that is listed in Subpart
 273 D of 35 Ill. Adm. Code 721 is subject to regulation as hazardous
 274 waste under 35 Ill. Adm. Code 702, 703, and 720 through 728,
 275 rather than as used oil under this Part.
 276
 277 B) Rebuttable presumption for used oil. Used oil containing more
 278 than 1,000 ppm total halogens is presumed to be a hazardous waste
 279 because it has been mixed with halogenated hazardous waste listed
 280 in Subpart D of 35 Ill. Adm. Code 721. An owner or operator may
 281 rebut this presumption by demonstrating that the used oil does not
 282 contain hazardous waste (for example, by showing that the used oil
 283 does not contain significant concentrations of halogenated
 284 hazardous constituents listed in Appendix H of 35 Ill. Adm. Code
 285 721).
 286
 287 i) This rebuttable presumption does not apply to
 288 metalworking oils or fluids containing chlorinated
 289 paraffins, if they are processed, through a tolling
 290 arrangement as described in Section 739.124(c), to reclaim
 291 metalworking oils or fluids. This presumption does apply
 292 to metalworking oils or fluids if such oils or fluids are
 293 recycled in any other manner, or disposed.
 294
 295 ii) This rebuttable presumption does not apply to used oils
 296 contaminated with chlorofluorocarbons (CFCs) removed
 297 from refrigeration units where the CFCs are destined for
 298 reclamation. This rebuttable presumption does apply to
 299 used oils contaminated with CFCs that have been mixed
 300 with used oil from sources other than refrigeration units.
 301

- 302 2) Characteristic hazardous waste. A mixture of used oil and hazardous
303 waste that solely exhibits one or more of the hazardous waste
304 characteristics identified in Subpart C of 35 Ill. Adm. Code 721 and a
305 mixture of used oil and hazardous waste that is listed in Subpart D of this
306 Part solely because it exhibits one or more of the characteristics of
307 hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 is
308 subject to the following:
309
- 310 A) Except as provided in subsection (b)(2)(C) of this Section,
311 regulation as hazardous waste under 35 Ill. Adm. Code 702, 703,
312 and 720 through 728 rather than as used oil under this Part, if the
313 resultant mixture exhibits any characteristics of hazardous waste
314 identified in Subpart C of 35 Ill. Adm. Code 721; or
315
- 316 B) Except as provided in subsection (b)(2)(C) of this Section,
317 regulation as used oil under this Part, if the resultant mixture does
318 not exhibit any characteristics of hazardous waste identified under
319 Subpart C of 35 Ill. Adm. Code 721.
320
- 321 C) Regulation as used oil under this Part, if the mixture is of used oil
322 and a waste that is hazardous solely because it exhibits the
323 characteristic of ignitability (e.g., ignitable-only mineral spirits),
324 provided that the resultant mixture does not exhibit the
325 characteristic of ignitability under 35 Ill. Adm. Code 721.121.
326
- 327 3) ~~VSQGC~~Conditionally exempt small quantity generator hazardous waste. A
328 mixture of used oil and ~~VSQGC~~conditionally exempt small quantity
329 generator hazardous waste regulated under 35 Ill. Adm. Code
330 722.114721.105 is subject to regulation as used oil under this Part.
331
- 332 c) Materials containing or otherwise contaminated with used oil.
333
- 334 1) Except as provided in subsection (c)(2) of this Section, the following is
335 true of a material containing or otherwise contaminated with used oil from
336 which the used oil has been properly drained or removed to the extent
337 possible so that no visible signs of free-flowing oil remain in or on the
338 material:
339
- 340 A) The material is not used oil, so it is not subject to this Part; and
341
- 342 B) If applicable, the material is subject to the hazardous waste
343 regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728.
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- 2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.
 - 3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.
 - d) Mixtures of used oil with products.
 - 1) Except as provided in subsection (d)(2) ~~of this Section~~, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.
 - 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C ~~of this Part~~.
 - e) Materials derived from used oil.
 - 1) The following is true of materials that are reclaimed from used oil, which are used beneficially, and which are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants):
 - A) The materials are not used oil and thus are not subject to this Part;⁵ and
 - B) The materials are not solid wastes and are thus not subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728, as provided in 35 Ill. Adm. Code 721.103(e)(1).
 - 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.
 - 3) Except as provided in subsection (e)(4) ~~of this Section~~, the following is true of materials derived from used oil that are disposed of or used in a manner constituting disposal:
 - A) The materials are not used oil and thus are not subject to this Part;⁵ and
 - B) The materials are solid wastes and thus are subject to the

- 388 hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and
 389 720 through 728 if the materials are listed or identified as
 390 hazardous waste.
 391
 392 4) Used oil re-refining distillation bottoms that are used as feedstock to
 393 manufacture asphalt products are not subject to this Part.
 394
 395 f) Wastewater. Wastewater, the discharge of which is subject to regulation under
 396 either Section 402 or Section 307(b) of the federal Clean Water Act (including
 397 wastewaters at facilities that have eliminated the discharge of wastewater),
 398 contaminated with de minimis quantities of used oil are not subject to the
 399 requirements of this Part. For purposes of this subsection, "de minimis" quantities
 400 of used oils are defined as small spills, leaks, or drippings from pumps,
 401 machinery, pipes, and other similar equipment during normal operations or small
 402 amounts of oil lost to the wastewater treatment system during washing or draining
 403 operations. This exception will not apply if the used oil is discarded as a result of
 404 abnormal manufacturing operations resulting in substantial leaks, spills, or other
 405 releases, or to used oil recovered from wastewaters.
 406
 407 g) Used oil introduced into crude oil pipelines or a petroleum refining facility.
 408
 409 1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production
 410 separator or crude oil stock tank) for insertion into a crude oil pipeline is
 411 exempt from the requirements of this Part. The used oil is subject to the
 412 requirements of this Part prior to the mixing of used oil with crude oil or
 413 natural gas liquids.
 414
 415 2) Mixtures of used oil and crude oil or natural gas liquids containing less
 416 than one percent used oil that are being stored or transported to a crude oil
 417 pipeline or petroleum refining facility for insertion into the refining
 418 process at a point prior to crude distillation or catalytic cracking are
 419 exempt from the requirements of this Part.
 420
 421 3) Used oil that is inserted into the petroleum refining process before crude
 422 distillation or catalytic cracking without prior mixing with crude oil is
 423 exempt from the requirements of this Part, provided that the used oil
 424 contains less than one percent of the crude oil feed to any petroleum
 425 refining facility process unit at any given time. Prior to insertion into the
 426 petroleum refining process, the used oil is subject to the requirements of
 427 this Part.
 428
 429 4) Except as provided in subsection (g)(5) ~~of this Section~~, used oil that is
 430 introduced into a petroleum refining facility process after crude distillation

- 431 or catalytic cracking is exempt from the requirements of this Part only if
 432 the used oil meets the specification of Section 739.111. Prior to insertion
 433 into the petroleum refining facility process, the used oil is subject to the
 434 requirements of this Part.
 435
 436 5) Used oil that is incidentally captured by a hydrocarbon recovery system or
 437 wastewater treatment system as part of routine process operations at a
 438 petroleum refining facility and inserted into the petroleum refining facility
 439 process is exempt from the requirements of this Part. This exemption does
 440 not extend to used oil that is intentionally introduced into a hydrocarbon
 441 recovery system (e.g., by pouring collected used oil into the wastewater
 442 treatment system).
 443
 444 6) Tank bottoms from stock tanks containing exempt mixtures of used oil
 445 and crude oil or natural gas liquids are exempt from the requirements of
 446 this Part.
 447
 448 h) Used oil on vessels. Used oil produced on vessels from normal shipboard
 449 operations is not subject to this Part until it is transported ashore.
 450
 451 i) Used oil containing PCBs. Used oil containing PCBs, as defined at 40 CFR 761.3
 452 (Definitions), incorporated by reference at 35 Ill. Adm. Code 720.111(b), at any
 453 concentration less than 50 ppm is subject to the requirements of this Part unless,
 454 because of dilution, it is regulated under federal 40 CFR 761 as a used oil
 455 containing PCBs at 50 ppm or greater. PCB-containing used oil subject to the
 456 requirements of this Part may also be subject to the prohibitions and requirements
 457 of 40 CFR 761, including 40 CFR 761.20(d) and (e). Used oil containing PCBs at
 458 concentrations of 50 ppm or greater is not subject to the requirements of this Part,
 459 but is subject to regulation under federal 40 CFR 761. No person may avoid these
 460 provisions by diluting used oil containing PCBs, unless otherwise specifically
 461 provided for in this Part or federal 40 CFR 761.
 462

463 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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465 **SUBPART C: STANDARDS FOR USED OIL GENERATORS**
 466

467 **Section 739.120 Applicability**
 468

- 469 a) General. This Subpart C applies to all generators of used oil, except the
 470 following:
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 472 1) Household "do-it-yourselfer" used oil generators. Household "do-it-
 473 yourselfer" used oil generators are not subject to regulation under this

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- 2) Vessels. Vessels at sea or at port are not subject to this Subpart C. For purposes of this Subpart C, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the persons removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this Subpart C once the used oil is transported ashore. The co-generators may decide among themselves which party will fulfill the requirements of this Subpart C.
 - 3) Diesel fuel. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this Subpart C.
 - 4) Farmers. Farmers who generate an average of 25 gallons (95 ℓ) per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this Part.
- b) Other applicable provisions. A used oil generator that conducts any of the following activities is subject to the requirements of other applicable provisions of ~~this Part~~, as indicated in subsections (b)(1) through (b)(5):
- 1) A generator that transports used oil, except under the self-transport provisions of Section 739.124(a) and (b), must also comply with Subpart ~~E of this Part~~.
 - 2) A generator that processes or re-refines used oil.
 - A) Except as provided in subsection (b)(2)(B) ~~of this Section~~, a generator that processes or re-refines used oil must also comply with Subpart ~~F of this Part~~.
 - B) A generator that performs the following activities is not a used oil processor, provided that the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:
 - i) Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator;

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- ii) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to Section 402 or 307(b) for the federal Clean Water Act (33 USC 1317 or 1342), 40 CFR 403 through 499, or 35 Ill. Adm. Code 310 or 309, governing the discharge of wastewaters;
 - iii) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;
 - iv) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to Section 739.110(c); or
 - v) Filtering, separating, or otherwise reconditioning used oil before burning it in a space heater pursuant to Section 739.123.
- 3) A generator that burns off-specification used oil for energy recovery, except under the on-site space heater provisions of Section 739.123, must also comply with Subpart G ~~of this Part~~.
 - 4) A generator that directs shipments of off-specification used oil from their facility to a used oil burner or first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H ~~of this Part~~.
 - 5) A generator that disposes of used oil must also comply with Subpart I ~~of this Part~~.

549 (Source: Amended at 42 Ill. Reg. _____, effective _____)

550
551 **Section 739.122 Used Oil Storage**

552
553 A used oil generator is subject to all applicable federal Spill Prevention, Control and
554 Countermeasures (40 CFR 112) in addition to the requirements of this Subpart C. A used oil
555 generator is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for
556 used oil stored in underground tanks whether or not the used oil exhibits any characteristics of
557 hazardous waste, in addition to the requirements of this Subpart C.

- 558
559 a) Storage units. A used oil generator may not store used oil in units other than

- 560 tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or
 561 725.
 562
 563 b) Condition of units. The following must be true of containers and aboveground
 564 tanks used to store used oil at a generator facility:
 565
 566 1) The containers must be in good condition (no severe rusting, apparent
 567 structural defects or deterioration); and
 568
 569 2) The containers may not be leaking (no visible leaks).
 570
 571 c) Labels.
 572
 573 1) Containers and aboveground tanks used to store used oil at generator
 574 facilities must be labeled or marked clearly with the words "Used Oil-".
 575
 576 2) Fill pipes used to transfer used oil into underground storage tanks at
 577 generator facilities must be labeled or marked clearly with the words
 578 "Used Oil-".
 579
 580 d) Response to releases. Upon detection of a release of used oil to the environment
 581 that is not subject to the federal requirements of subpart F of 40 CFR 280 and
 582 which has occurred after October 4, 1996, a generator must perform the following
 583 cleanup steps:
 584 BOARD NOTE: Corresponding 40 CFR 279.22(d) applies to releases that
 585 "occurred after the effective date of the authorized used oil program for the State
 586 in which the release is located-". The Board adopted the used oil standards in
 587 docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA
 588 approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective
 589 October 4, 1996. The Board has interpreted "the effective date of the authorized
 590 used oil program" to mean the October 4, 1996 date of federal authorization of the
 591 Illinois program, and we substituted that date for the federal effective date
 592 language. Had USEPA written something like "the effective date of the used oil
 593 program in the authorized State in which the release is located-," the Board would
 594 have used the November 22, 1993 effective date of the Illinois used oil standards.
 595
 596 1) Stop the release;
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 598 2) Contain the released used oil;
 599
 600 3) Properly clean up and manage the released used oil and other materials;
 601 and
 602

- 603 4) If necessary, repair or replace any leaking used oil storage containers or
 604 tanks prior to returning them to service.
 605

606 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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608 **Section 739.124 Off-Site Shipments**
 609

610 Except as provided in subsections (a) through (c) ~~of this Section~~, a generator must ensure that its
 611 used oil is transported only by transporters that have obtained a USEPA identification number
 612 and an Illinois special waste identification number pursuant to 35 Ill. Adm. Code 809.

613 BOARD NOTE: A generator that qualifies for an exemption under Section 739.124(a) through
 614 (c) may still be subject to the State's special waste hauling permit requirements under 35 Ill.
 615 Adm. Code 809.
 616

- 617 a) Self-transportation of small amounts to registered collection centers. A generator
 618 may transport, without a USEPA identification number and an Illinois special
 619 waste identification number, used oil that is generated at the generator's site and
 620 used oil collected from household do-it-yourselfers to a used oil collection center
 621 provided that the following conditions are fulfilled:
 622

- 623 1) The generator transports the used oil in a vehicle owned by the generator
 624 or owned by an employee of the generator;
 625
 626 2) The generator transports no more than 55 gallons (208 ℓ) of used oil at any
 627 time; and
 628
 629 3) The generator transports the used oil to a used oil collection center that has
 630 registered by written notification with the Agency to manage used oil.
 631 This notification must include information sufficient for the Agency to
 632 identify, locate and communicate with the facility. The notification must
 633 be submitted on forms provided by the Agency.
 634

- 635 b) Self-transportation of small amounts to aggregation points owned by the
 636 generator. A generator may transport, without a USEPA identification number
 637 and an Illinois special waste identification number, used oil that is generated at
 638 the generator's site to an aggregation point provided that the following conditions
 639 are fulfilled:
 640

- 641 1) The generator transports the used oil in a vehicle owned by the generator
 642 or owned by an employee of the generator;
 643
 644 2) The generator transports no more than 55 gallons (208 ℓ) of used oil at any
 645 time; and

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- 3) The generator transports the used oil to an aggregation point that is owned or operated by the same generator.
- c) Tolling arrangements. A used oil generator may arrange for used oil to be transported by a transporter without a USEPA identification number and an Illinois special waste identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate the following information:
- 1) The type of used oil and the frequency of shipments;
 - 2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and
 - 3) That reclaimed oil will be returned to the generator.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS
AND AGGREGATION POINTS

Section 739.130 Do-It-Yourselfer Used Oil Collection Centers

- a) Applicability. This Section applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers. A DIY used oil collection center is any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.
- b) DIY used oil collection center requirements. Owners or operators of all DIY used oil collection centers must comply with the generator standards in Subpart C of this Part.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.131 Used Oil Collection Centers

- a) Applicability. This Section applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts, aggregates or stores used oil collected from used oil generators regulated under Subpart C of

689 ~~this Part~~ who bring used oil to the collection center in shipments of no more than
690 55 gallons (208 ℓ) under the provisions of Section 739.124(a). Used oil collection
691 centers may also accept used oil from household do-it-yourselfers.
692

693 BOARD NOTE: A generator who qualifies for an exemption under Section
694 739.124 may still be subject to the State's special waste hauling permit
695 requirements under Part 809.
696

697 b) Used oil collection center requirements. Owners or operators of all used oil
698 collection centers must do the following:
699

- 700 1) Comply with the generator standards in Subpart C ~~of this Part~~; and
701
702 2) Be registered by the Agency to manage used oil. The used oil collection
703 center must register by written notification with the Agency to manage
704 used oil. This notification must include information sufficient for the
705 Agency to identify, locate and communicate with the facility. The
706 notification must be submitted on forms provided by the Agency.
707

708 (Source: Amended at 42 Ill. Reg. _____, effective _____)
709

710 **Section 739.132 Used Oil Aggregate Points Owned by the Generator**
711

712 a) Applicability. This Section applies to owners or operators of all used oil
713 aggregation points. A used oil aggregation point is any site or facility that
714 accepts, aggregates, or stores used oil collected only from other used oil
715 generation sites owned or operated by the owner or operator of the aggregation
716 point, from which used oil is transported to the aggregation point in shipments of
717 no more than 55 gallons (208 ℓ) under the provisions of Section 739.124(b). A
718 used oil aggregation point may also accept used oil from household do-it-
719 yourselfers.
720

721 BOARD NOTE: A generator who qualifies for an exemption under Section
722 739.124 may still be subject to the State's special waste hauling permit
723 requirements under Part 809.
724

725 b) Used oil aggregation point requirements. Owners or operators of all used oil
726 aggregation points must comply with the generator standards in Subpart C ~~of this~~
727 ~~Part~~.
728

729 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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731 SUBPART E: STANDARDS FOR USED OIL TRANSPORTER

AND TRANSFER FACILITIES

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Section 739.140 Applicability

- a) General. Except as provided in subsections (a)(1) through (a)(4) ~~of this Section~~, this Subpart E applies to all used oil transporters. A used oil transporter is a person that transports used oil, a person that collects used oil from more than one generator and transport the collected oil, and an owner or operator of a used oil transfer facility.
 - 1) This Subpart E does not apply to on-site transportation.
 - 2) This Subpart E does not apply to a generator that transports shipments of used oil totaling 55 gallons (208 l) or less from the generator to a used oil collection center as specified in Section 739.124(a).
 - 3) This Subpart E does not apply to a generator that transports shipments of used oil totaling 55 gallons (208 l) or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in Section 739.124(b).
 - 4) This Subpart E does not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor, or burner subject to the requirements of this Part. Except as provided in subsections (a)(1) through (a)(3) ~~of this Section~~, this Subpart E does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

BOARD NOTE: A generator that qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.
- b) Imports and exports. A transporter that imports used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subpart E from the time the used oil enters and until the time it exits the United States.
- c) Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in 35 Ill. Adm. Code 721.107 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste unless, under the

- 775 provisions of Section 739.110(b), the hazardous waste and used oil mixture is
 776 determined not to be hazardous waste.
 777
 778 d) Other applicable provisions. A used oil transporter that conducts the following
 779 activities are also subject to other applicable provisions of this Part as indicated in
 780 subsections (d)(1) through (d)(5) ~~of this Section~~:
 781
 782 1) A transporter that generates used oil must also comply with Subpart C ~~of~~
 783 ~~this Part~~;
 784
 785 2) A transporter that processes or re-refines used oil, except as provided in
 786 Section 739.141, must also comply with Subpart F ~~of this Part~~;
 787
 788 3) A transporter that burns off-specification used oil for energy recovery
 789 must also comply with Subpart G ~~of this Part~~;
 790
 791 4) A transporter that directs shipments of off-specification used oil from its
 792 facility to a used oil burner or first claims that used oil that is to be burned
 793 for energy recovery meets the used oil fuel specifications set forth in
 794 Section 739.111 must also comply with Subpart H ~~of this Part~~; and
 795
 796 5) A transporter that disposes of used oil must also comply with Subpart I ~~of~~
 797 ~~this Part~~.
 798

799 (Source: Amended at 42 Ill. Reg. _____, effective _____)
 800

801 **Section 739.141 Restrictions on Transporters that Are Not Also Processors**
 802

- 803 a) A used oil transporter may consolidate or aggregate loads of used oil for purposes
 804 of transportation. However, except as provided in subsection (b) ~~of this Section~~, a
 805 used oil transporter may not process used oil unless they also comply with the
 806 requirements for processors in Subpart F ~~of this Part~~.
 807
 808 b) A transporter may conduct incidental processing operations that occur in the
 809 normal course of used oil transportation (e.g., settling and water separation), but
 810 that are not designed to produce (or make more amenable for production of) used
 811 oil derived products unless it also complies with the processor requirements in
 812 Subpart F ~~of this Part~~.
 813
 814 c) A transporter of used oil that is removed from oil-bearing electrical transformers
 815 and turbines and which is filtered by the transporter or at a transfer facility prior
 816 to being returned to its original use is not subject to the processor and re-refiner
 817 requirements in Subpart F ~~of this Part~~.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.144 Rebuttable Presumption for Used Oil

- a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.
- b) The transporter must make this determination by the following means:
 - 1) Testing the used oil; or
 - 2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).
 - 1) The rebuttable presumption does not apply to metalworking oils and fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.
 - 2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) ~~of this Section~~ must be maintained by the transporter for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

861 **Section 739.145 Used Oil Storage at Transfer Facilities**

862

863 A used oil transporter is subject to all applicable Spill Prevention, Control and Countermeasures
 864 (40 CFR 112) in addition to the requirements of this Subpart E. A used oil transporter is also
 865 subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in
 866 underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in
 867 addition to the requirements of this Subpart.

868

869 a) Applicability. This Section applies to used oil transfer facilities. Used oil transfer
 870 facilities are transportation-related facilities including loading docks, parking
 871 areas, storage areas, and other areas where shipments of used oil are held for more
 872 than 24 hours during the normal course of transportation and not longer than 35
 873 days. A transfer facility that store used oil for more than 35 days are subject to
 874 regulation under Subpart F of this Part.

875

876 b) Storage units. An owner or operator of a used oil transfer facility may not store
 877 used oil in units other than tanks, containers, or units subject to regulation under
 878 35 Ill. Adm. Code 724 or 725.

879

880 c) Condition of units. The following must be true of containers and aboveground
 881 tanks used to store used oil at a transfer facility:

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883 1) The containers must be in good condition (no severe rusting, apparent
 884 structural defects or deterioration); and

885

886 2) The containers may not be leaking (no visible leaks).

887

888 d) Secondary containment for containers. Containers used to store used oil at a
 889 transfer facility must be equipped with a secondary containment system.

890

891 1) The secondary containment system must consist of the following, at a
 892 minimum:

893

894 A) Both of the following:

895

896 i) Dikes, berms, or retaining walls; and

897

898 ii) A floor. The floor must cover the entire area within the
 899 dikes, berms, or retaining walls; or

900

901 B) An equivalent secondary containment system.

902

903 2) The entire containment system, including walls and floors, must be

- 904 sufficiently impervious to used oil to prevent any used oil released into the
905 containment system from migrating out of the system to the soil,
906 groundwater, or surface water.
907
- 908 e) Secondary containment for existing aboveground tanks. Existing aboveground
909 tanks used to store used oil at a transfer facility must be equipped with a
910 secondary containment system.
911
- 912 1) The secondary containment system must consist of the following, at a
913 minimum:
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- 915 A) Both of the following:
916
- 917 i) Dikes, berms, or retaining walls; and
918
- 919 ii) A floor. The floor must cover the entire area within the
920 dike, berm, or retaining wall except areas where existing
921 portions of the tank meet the ground; or
922
- 923 B) An equivalent secondary containment system.
924
- 925 2) The entire containment system, including walls and floors, must be
926 sufficiently impervious to used oil to prevent any used oil released into the
927 containment system from migrating out of the system to the soil,
928 groundwater, or surface water.
929
- 930 f) Secondary containment for new aboveground tanks. New aboveground tanks
931 used to store used oil at a transfer facility must be equipped with a secondary
932 containment system.
933
- 934 1) The secondary containment system must consist of the following, at a
935 minimum:
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- 937 A) Both of the following:
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- 939 i) Dikes, berms, or retaining walls; and
940
- 941 ii) A floor. The floor must cover the entire area within the
942 dike, berm, or retaining wall; or
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- 944 B) An equivalent secondary containment system.
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- 946 2) The entire containment system, including walls and floors, must be

947 sufficiently impervious to used oil to prevent any used oil released into the
 948 containment system from migrating out of the system to the soil,
 949 groundwater, or surface water.

950

951 g) Labels.

952

953 1) Containers and aboveground tanks used to store used oil at transfer
 954 facilities must be labeled or marked clearly with the words "Used Oil-".

955

956 2) Fill pipes used to transfer used oil into underground storage tanks at
 957 transfer facilities must be labeled or marked clearly with the words "Used
 958 Oil-".

959

960 h) Response to releases. Upon detection of a release of used oil to the environment
 961 that is not subject to the federal requirements of subpart F of 40 CFR 280 and
 962 which has occurred after October 4, 1996, an owner or operator of a transfer
 963 facility must perform the following cleanup steps:

964

965 BOARD NOTE: Corresponding 40 CFR 279.45(h) applies to releases that
 966 "occurred after the effective date of the authorized used oil program for the State
 967 in which the release is located-". The Board adopted the used oil standards in
 968 docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA
 969 approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective
 970 October 4, 1996. The Board has interpreted "the effective date of the authorized
 971 used oil program" to mean the October 4, 1996 date of federal authorization of the
 972 Illinois program, and we substituted that date for the federal effective date
 973 language. Had USEPA written something like "the effective date of the used oil
 974 program in the authorized State in which the release is located," the Board would
 975 have used the November 22, 1993 effective date of the Illinois used oil standards.

976

977 1) Stop the release;

978

979 2) Contain the released used oil;

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981 3) Properly clean up and manage the released used oil and other materials;
 982 and

983

984 4) If necessary, repair or replace any leaking used oil storage containers or
 985 tanks prior to returning them to service.

986

987 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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989 **Section 739.146 Tracking**

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- a) Acceptance. A used oil transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the following:
- 1) The name and address of the generator, transporter, or processor that provided the used oil for transport;
 - 2) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor that provided the used oil for transport;
 - 3) The quantity of used oil accepted;
 - 4) The date of acceptance;
 - 5) The signature:
 - A) Except as provided in subsection (a)(5)(B) ~~of this Section~~, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided the used oil for transport.
 - B) An intermediate rail transporter is not required to sign the record of acceptance; and
 - 6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to

1033 the terms of the attached EPA Acknowledgement of Consent. I
1034 certify that the waste minimization statement identified in 40 CFR
1035 262.27(a) (if I am a large quantity generator) or (b) (if I am a small
1036 quantity generator) is true."
1037

1038 b) Deliveries. A used oil transporter must keep a record of each shipment of used oil
1039 that is delivered to another used oil transporter, or to a used oil burner, processor,
1040 or disposal facility. Records of each delivery must include the following:

- 1041
- 1042 1) The name and address of the receiving facility or transporter;
 - 1043
 - 1044 2) The USEPA identification number and Illinois special waste identification
1045 number of the receiving facility or transporter;
 - 1046
 - 1047 3) The quantity of used oil delivered;
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 - 1049 4) The date of delivery;
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 - 1051 5) The signature:
 - 1052
 - 1053 A) Except as provided in subsection (b)(5)(B) ~~of this Section~~, the
1054 signature, dated upon receipt of the used oil, of a representative of
1055 the receiving facility or transporter.
 - 1056
 - 1057 B) An intermediate rail transporter is not required to sign the record of
1058 acceptance.

1059

1060 c) Exports of used oil. A used oil transporter must maintain the records described in
1061 subsections (b)(1) through (b)(4) ~~of this Section~~ for each shipment of used oil
1062 exported to any foreign country.

1063

1064 d) Record retention. The records described in subsections (a), (b), and (c) ~~of this~~
1065 ~~Section~~ must be maintained for at least three years.

1066

1067 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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1069 **SUBPART F: STANDARDS FOR USED OIL PROCESSORS**

1070

1071 **Section 739.150 Applicability**

1072

1073 a) The requirements of this Subpart F apply to owners and operators of facilities that
1074 process used oil. Processing means chemical or physical operations designed to
1075 produce from used oil, or to make used oil more amenable for production of, fuel

- 1076 oils, lubricants, or other used oil-derived products. Processing includes, but is not
 1077 limited to the following: blending used oil with virgin petroleum products,
 1078 blending used oils to meet the fuel specification, filtration, simple distillation,
 1079 chemical or physical separation, and re-refining. The requirements of this
 1080 Subpart F do not apply to the following:
- 1081
- 1082 1) A transporter that conducts incidental processing operations that occur
 1083 during the normal course of transportation, as provided in Section
 1084 739.141; or
- 1085
- 1086 2) A burner that conducts incidental processing operations that occur during
 1087 the normal course of used oil management prior to burning, as provided in
 1088 Section 739.161(b).
- 1089
- 1090 b) Other applicable provisions. A used oil processor that conducts the following
 1091 activities are also subject to the requirements of other applicable provisions of this
 1092 Part, as indicated in subsections (b)(1) through (b)(5) ~~of this Section.~~
- 1093
- 1094 1) A processor that generates used oil must also comply with Subpart C of
 1095 this Part;
- 1096
- 1097 2) A processor that transports used oil must also comply with Subpart E ~~of~~
 1098 ~~this Part;~~
- 1099
- 1100 3) Except as provided in subsections (b)(3)(A) and (b)(3)(B) ~~of this Section,~~
 1101 a processor that burns off-specification used oil for energy recovery must
 1102 also comply with Subpart G of this Part. Processors burning used oil for
 1103 energy recovery under the following conditions are not subject to Subpart
 1104 G ~~of this Part:~~
- 1105
- 1106 A) The used oil is burned in an on-site space heater that meets the
 1107 requirements of Section 739.123; or
- 1108
- 1109 B) The used oil is burned for purposes of processing used oil, which is
 1110 considered burning incidentally to used oil processing;
- 1111
- 1112 4) A processor that directs shipments of off-specification used oil from their
 1113 facility to a used oil burner or first claim that used oil that is to be burned
 1114 for energy recovery meets the used oil fuel specifications set forth in
 1115 Section 739.111 must also comply with Subpart H ~~of this Part;~~ and
- 1116
- 1117 5) A processor that disposes of used oil also must comply with Subpart I ~~of~~
 1118 ~~this Part.~~

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.152 General Facility Standards

- a) Preparedness and prevention. An owner or operator of a used oil processing or re-refining facility must comply with the following requirements:
 - 1) Maintenance and operation of a facility. All facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water that could threaten human health or the environment.
 - 2) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subsections (a)(2)(A) through (a)(2)(D) of this Section:
 - A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - B) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
 - D) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.
 - 3) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
 - 4) Access to communications or alarm system

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- A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (a)(2) of this Section.
 - B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a)(2) of this Section.
- 5) Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- 6) Arrangements with local authorities
- A) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:
 - i) Arrangements to familiarize police, fire departments, 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;
 - ii) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers;

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and

iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

B) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

b) Contingency plan and emergency procedures. An owner or operator of a used oil processing or re-refining facility must comply with the following requirements:

1) Purpose and implementation of contingency plan.

A) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.

B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil that could threaten human health or the environment.

2) Content of contingency plan.

A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b)(1) and (b)(6) ~~of this Section~~ in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.

B) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with federal 40 CFR 112 or some other emergency or contingency plan exists for the facility under federal, State, or local regulation (e.g., federal 40 CFR 300 or 40 CFR 280), the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.

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- C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a)(6) ~~of this Section~~.
 - D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b)(5) ~~of this Section~~), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
 - F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- 3) Copies of contingency plan. Copies of the contingency plan and all revisions to the plan must be disposed of as follows:
- A) Maintained at the facility; and
 - B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever one of the following occurs:
- A) Applicable regulations are revised;
 - B) The plan fails in an emergency;

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- C) The facility changes – in its design, construction, operation, maintenance, or other circumstances – in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
- D) The list of emergency coordinators changes; or
- E) The list of emergency equipment changes.

5) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This 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 characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: USEPA cited the following as guidance: "The emergency coordinator's responsibilities are more fully spelled out in [subsection (b)(6) of this Section]. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility."

- 6) Emergency procedures
- A) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately do the following:
 - i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - ii) Notify appropriate State or local agencies with designated response roles if their help is needed.
 - B) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may

- 1334 do this by observation or review of facility records or manifests
1335 and, if necessary, by chemical analyses.
1336
- 1337 C) Concurrently, the emergency coordinator must assess possible
1338 hazards to human health or the environment that may result from
1339 the release, fire, or explosion. This assessment must consider both
1340 direct and indirect effects of the release, fire, or explosion (e.g., the
1341 effects of any toxic, irritating, or asphyxiating gases that are
1342 generated, or the effects of any hazardous surface water run-offs
1343 from water or chemical agents used to control fire and heat-
1344 induced explosions).
1345
- 1346 D) If the emergency coordinator determines that the facility has had a
1347 release, fire, or explosion that could threaten human health, or the
1348 environment, outside the facility, he or she must report his findings
1349 as follows:
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- 1351 i) If his assessment indicated that evacuation of local areas
1352 may be advisable, he or she must immediately notify
1353 appropriate local authorities. He or she must be available
1354 to help appropriate officials decide whether local areas
1355 should be evacuated; and
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- 1357 ii) He must immediately notify either the government official
1358 designated as the on-scene coordinator for the geographical
1359 area (in the applicable regional contingency plan under
1360 federal 40 CFR 300), or the National Response Center
1361 (using their 24-hour toll free number (800) 424-8802). The
1362 report must include the following information: name and
1363 telephone number of reporter; name and address of facility;
1364 time and type of incident (e.g., release, fire); name and
1365 quantity of materials involved, to the extent known; the
1366 extent of injuries, if any; and the possible hazards to human
1367 health, or the environment, outside the facility.
1368
- 1369 E) During an emergency, the emergency coordinator must take all
1370 reasonable measures necessary to ensure that fires, explosions, and
1371 releases do not occur, recur, or spread to other used oil or
1372 hazardous waste at the facility. These measures must include,
1373 where applicable, stopping processes and operation, collecting and
1374 containing released used oil, and removing or isolating containers.
1375
- 1376 F) If the facility stops operation in response to a fire, explosion, or

- 1377 release, the emergency coordinator must monitor for leaks,
 1378 pressure buildup, gas generation, or ruptures in valves, pipes, or
 1379 other equipment, wherever this is appropriate.
 1380
- 1381 G) Immediately after an emergency, the emergency coordinator must
 1382 provide for recycling, storing, or disposing of recovered used oil,
 1383 contaminated soil or surface water, or any other material that
 1384 results from a release, fire, or explosion at the facility.
 1385
- 1386 H) The emergency coordinator must ensure that the following occur,
 1387 in the affected areas of the facility:
 1388
- 1389 i) No waste or used oil that may be incompatible with the
 1390 released material is recycled, treated, stored, or disposed of
 1391 until cleanup procedures are completed; and
 1392
- 1393 ii) All emergency equipment listed in the contingency plan is
 1394 cleaned and fit for its intended use before operations are
 1395 resumed.
 1396
- 1397 iii) The owner or operator must notify the Agency, and all
 1398 other appropriate State and local authorities that the facility
 1399 is in compliance with subsections (b)(6)(H)(i) and
 1400 (b)(6)(H)(ii) ~~of this Section~~ before operations are resumed
 1401 in the affected areas of the facility.
 1402
- 1403 I) The owner or operator must note in the operating record the time,
 1404 date, and details of any incident that requires implementing the
 1405 contingency plan. Within 15 days after the incident, it must submit
 1406 a written report on the incident to USEPA Region 5. The report
 1407 must include the following:
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- 1409 i) The name, address, and telephone number of the owner or
 1410 operator;
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- 1412 ii) The name, address, and telephone number of the facility;
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- 1414 iii) The date, time, and type of incident (e.g., fire, explosion);
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- 1416 iv) The name and quantity of materials involved;
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- 1418 v) The extent of injuries, if any;
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- 1420 vi) An assessment of actual or potential hazards to human
 1421 health or the environment, where this is applicable; and
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 1423 vii) The estimated quantity and disposition of recovered
 1424 material that resulted from the incident.
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1426 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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1428 **Section 739.154 Used Oil Management**
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1430 A used oil processor is subject to all applicable Spill Prevention, Control and Countermeasures
 1431 (40 CFR 112) in addition to the requirements of this Subpart F. A used oil processor or re-
 1432 refiner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for
 1433 used oil stored in underground tanks whether or not the used oil exhibits any characteristics of
 1434 hazardous waste, in addition to the requirements of this Subpart F.
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- 1436 a) Management units. A used oil processor may not store used oil in units other than
 1437 tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or
 1438 725.
 1439
 1440 b) Condition of units. The following must be true of containers and aboveground
 1441 tanks used to store or process used oil at a processing facility:
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 1443 1) The containers must be in good condition (no severe rusting, apparent
 1444 structural defects or deterioration); and
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 1446 2) The containers may not be leaking (no visible leaks).
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 1448 c) Secondary containment for containers. Containers used to store or process used
 1449 oil at processing and re-refining facilities must be equipped with a secondary
 1450 containment system.
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 1452 1) The secondary containment system must consist of the following, at a
 1453 minimum:
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 1455 A) Both of the following:
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 1457 i) Dikes, berms, or retaining walls; and
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 1459 ii) A floor. The floor must cover the entire area within the
 1460 dike, berm, or retaining wall; or
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 1462 B) An equivalent secondary containment system.

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- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of the following, at a minimum:
 - A) Both of the following:
 - i) Dikes, berms, or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - B) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- e) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of the following, at a minimum:
 - A) Both of the following:
 - i) Dikes, berms, or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - B) An equivalent secondary containment system.

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- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Labels.
 - 1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil:".
 - 2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil:".
- g) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a processor must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.54(g) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located:". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located;", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

 - 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Properly clean up and manage the released used oil and other materials; and
 - 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- h) Closure.

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- 1) Aboveground tanks. An owner or operator that stores or processes used oil in aboveground tanks must comply with the following requirements:
 - A) 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 this chapter.
 - B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h)(1)(A) ~~of this Section~~, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).
- 2) Containers. An owner or operator that stores used oil in containers must comply with the following requirements:
 - A) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - B) The owner or operator must remove or decontaminate used oil residues, 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 35 Ill. Adm. Code 721.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.156 Tracking

- a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter that delivered the used oil to the processor;

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- 2) The name and address of the generator or processor from whom the used oil was sent for processing;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;
 - 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
 - 5) The quantity of used oil accepted;
 - 6) The date of acceptance; and
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) Deliveries. A used oil processor must keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:

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- 1) The name and address of the transporter that delivers the used oil to the burner, processor, or disposal facility;
 - 2) The name and address of the burner, processor, or disposal facility that will receive the used oil;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner, processor or disposal facility;
 - 4) The USEPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility that will receive the used oil;
 - 5) The quantity of used oil shipped;
 - 6) The date of shipment; and
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- c) Record retention. The records described in subsections (a) and (b) ~~of this Section~~ must be maintained for at least three years.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

- a) General. The requirements of this Subpart G apply to used oil burners except as specified in subsections (a)(1) and (a)(2) ~~of this Section~~. A used oil burner is a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a). Facilities burning used oil for energy recovery under the following conditions are not subject to this Subpart G:
 - 1) The used oil is burned by the generator in an on-site space heater under the provisions of Section 739.123; or
 - 2) The used oil is burned by a processor for purposes of processing used oil, which is considered burning incidentally to used oil processing.
- b) Other applicable provisions. A used oil burner that conducts the following activities is also subject to the requirements of other applicable provisions of this Part as indicated below.
 - 1) A burner that generates used oil must also comply with Subpart C ~~of this Part~~;
 - 2) A burner that transports used oil must also comply with Subpart E ~~of this Part~~;
 - 3) Except as provided in Section 739.161(b), a burner that processes or re-refines used oil must also comply with Subpart F ~~of this Part~~;
 - 4) A burner that directs shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H ~~of this Part~~; and
 - 5) A burner that disposes of used oil must comply with Subpart I ~~of this Part~~.
- c) Specification fuel. This Subpart G does not apply to a person burning used oil that meets the used oil fuel specification of Section 739.111, provided that the

burner complies with the requirements of Subpart H ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.161 Restriction on Burning

- a) Off-specification used oil fuel may only be burned for energy recovery in the following devices:
 - 1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;
 - 2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:
 - A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
 - B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
 - C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123; or
 - 3) Hazardous waste incinerators subject to regulation under Subpart O of 35 Ill. Adm. Code 724 or 725.
- b) Restrictions.
 - 1) With the following exception, a used oil burner may not process used oil unless it also complies with the requirements of Subpart F ~~of this Part~~.
 - 2) A used oil burner may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.163 Rebuttable Presumption for Used Oil

- a) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), a used oil

- 1764 burner must determine whether the total halogen content of used oil managed at
1765 the facility is above or below 1,000 ppm.
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- 1767 b) The used oil burner must determine if the used oil contains above or below 1,000
1768 ppm total halogens by the following means:
1769
- 1770 1) Testing the used oil;
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- 1772 2) Applying knowledge of the halogen content of the used oil in light of the
1773 materials or processes used; or
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- 1775 3) If the used oil has been received from a processor subject to regulation
1776 under Subpart F of this Part, using information provided by the processor.
1777
- 1778 c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is
1779 presumed to be a hazardous waste because it has been mixed with halogenated
1780 hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or
1781 operator may rebut the presumption by demonstrating that the used oil does not
1782 contain hazardous waste (for example, by showing that the used oil does not
1783 contain significant concentrations of halogenated hazardous constituents listed in
1784 Appendix H of 35 Ill. Adm. Code 721).
1785
- 1786 1) The rebuttable presumption does not apply to metalworking oils or fluids
1787 containing chlorinated paraffins, if they are processed, through a tolling
1788 arrangement as described in Section 739.124(c), to reclaim metalworking
1789 oils or fluids. The presumption does apply to metalworking oils or fluids if
1790 such oils and fluids are recycled in any other manner, or disposed.
1791
- 1792 2) The rebuttable presumption does not apply to used oils contaminated with
1793 chlorofluorocarbons (CFCs) removed from refrigeration units where the
1794 CFCs are destined for reclamation. The rebuttable presumption does
1795 apply to used oils contaminated with CFCs that have been mixed with
1796 used oil from sources other than refrigeration units.
1797
- 1798 d) Record retention. Records of analyses conducted or information used to comply
1799 with subsections (a), (b), and (c) of this Section must be maintained by the burner
1800 for at least three years.
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1802 (Source: Amended at 42 Ill. Reg. _____, effective _____)
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1804 **Section 739.164 Used Oil Storage**
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1806 A used oil burner is subject to all applicable Spill Prevention, Control and Countermeasures

1807 (federal 40 CFR 112) in addition to the requirements of this Subpart G. A used oil burner is also
 1808 subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in
 1809 underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in
 1810 addition to the requirements of this Subpart G.

- 1811
- 1812 a) Storage units. A used oil burner may not store used oil in units other than tanks,
 1813 containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
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- 1815 b) Condition of units. The following must be true of containers and aboveground
 1816 tanks used to store used oil at a burner facility:
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- 1818 1) The containers must be in good condition (no severe rusting, apparent
 1819 structural defects or deterioration); and
 1820
- 1821 2) The containers may not be leaking (no visible leaks).
 1822
- 1823 c) Secondary containment for containers. Containers used to store used oil at a
 1824 burner facility must be equipped with a secondary containment system.
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- 1826 1) The secondary containment system must consist of the following, at a
 1827 minimum:
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- 1829 A) Dikes, berms, or retaining walls; and
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- 1831 B) A floor. The floor must cover the entire area within the dike,
 1832 berm, or retaining wall.
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- 1834 2) The entire containment system, including walls and floor, must be
 1835 sufficiently impervious to used oil to prevent any used oil released into the
 1836 containment system from migrating out of the system to the soil,
 1837 groundwater, or surface water.
 1838
- 1839 d) Secondary containment for existing aboveground tanks. Existing aboveground
 1840 tanks used to store used oil at burner facilities must be equipped with a secondary
 1841 containment system.
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- 1843 1) The secondary containment system must consist of the following, at a
 1844 minimum:
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- 1846 A) Both of the following:
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- 1848 i) Dikes, berms, or retaining walls; and
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- 1850 ii) A floor. The floor must cover the entire area within the
1851 dike, berm, or retaining wall except areas where existing
1852 portions of the tank meet the ground; or
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1854 B) An equivalent secondary containment system.
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1856 2) The entire containment system, including walls and floor, must be
1857 sufficiently impervious to used oil to prevent any used oil released into the
1858 containment system from migrating out of the system to the soil,
1859 groundwater, or surface water.
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1861 e) Secondary containment for new aboveground tanks. A new aboveground tank
1862 used to store used oil at burner facilities must be equipped with a secondary
1863 containment system.
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1865 1) The secondary containment system must consist of the following, at a
1866 minimum:
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1868 A) Both of the following:
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1870 i) Dikes, berms, or retaining walls; and
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1872 ii) A floor. The floor must cover the entire area within the
1873 dike, berm, or retaining wall; or
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1875 B) An equivalent secondary containment system.
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1877 2) The entire containment system, including walls and floor, must be
1878 sufficiently impervious to used oil to prevent any used oil released into the
1879 containment system from migrating out of the system to the soil,
1880 groundwater, or surface water.
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1882 f) Labels.
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1884 1) A container or aboveground tank used to store used oil at a burner facility
1885 must be labeled or marked clearly with the words "Used Oil:".
1886
1887 2) Fill pipes used to transfer used oil into underground storage tanks at
1888 burner facilities must be labeled or marked clearly with the words "Used
1889 Oil:".
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1891 g) Response to releases. Upon detection of a release of used oil to the environment
1892 that is not subject to the federal requirements of subpart F of 40 CFR 280 and

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which has occurred after October 4, 1996, a burner must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.64(g) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean up and manage the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.165 Tracking

- a) Acceptance. A used oil burner must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter that delivered the used oil to the burner;
 - 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;

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- 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;
 - 5) The quantity of used oil accepted;
 - 6) The date of acceptance; and
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) Record retention. The records described in subsection (a) ~~of this Section~~ must be maintained for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.166 Notices

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- a) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor, the burner must provide to the generator, transporter, or processor a one-time written and signed notice certifying the following:

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- 1) That the burner has notified USEPA stating the location and general description of his used oil management activities; and
- 2) That the burner will burn the used oil only in an industrial furnace or boiler identified in Section 739.161(a).

- b) Certification retention. The certification described in subsection (a) ~~of this Section~~ must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

- a) Any person that conducts either of the following activities is subject to the requirements of this Subpart H:
 - 1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
 - 2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.
- b) The following persons are not marketers subject to this Subpart H:
 - 1) A used oil generator, or a transporter that transports used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from its facility to a used oil burner. However, a processor that burns some used oil fuel for purposes of processing is considered to be burning incidentally to processing. Thus, generator or transporter that directs shipments of off-specification used oil to a processor that incidentally burns used oil is not a marketer subject to this Subpart H;
 - 2) A person that directs shipments of on-specification used oil and which is not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.
- c) Any person subject to the requirements of this Subpart H must also comply with

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one of the following:

- 1) Subpart C – ~~Standard of this Part~~ – Standards for Used Oil Generators;
- 2) Subpart E – ~~Standard of this Part~~ – Standards for Used Oil Transporters and Transfer Facilities;
- 3) Subpart F – ~~Standard of this Part~~ – Standards for Used Oil Processors and Re-refiners; or
- 4) Subpart G – ~~Standard of this Part~~ – Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.174 Tracking

- a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - 1) The name and address of the transporter that delivers the used oil to the burner;
 - 2) The name and address of the burner that will receive the used oil;
 - 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;
 - 4) The USEPA identification number and Illinois special waste identification number of the burner;
 - 5) The quantity of used oil shipped;
 - 6) The date of shipment; and
 - 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:
 - A) Information stating when and where the special waste was generated;

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- B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).
- c) Record retention. The records described in subsections (a) and (b) ~~of this Section~~ must be maintained for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.175 Notices

- a) Certification. Before a used oil generator, transporter, or processor directs the

2108 first shipment of off-specification used oil fuel to a burner, it must obtain a one-
2109 time written and signed notice from the burner certifying the following:

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2111 1) That the burner has notified USEPA stating the location and general
2112 description of used oil management activities; and

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2114 2) That the burner will burn the off-specification used oil only in an
2115 industrial furnace or boiler identified in Section 739.161(a).

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2117 b) Certification retention. The certification described in subsection (a) of this
2118 ~~Section~~ must be maintained for three years from the date the last shipment of off-
2119 specification used oil is shipped to the burner.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

AGENCY VS. JCAR

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739
STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100 Definitions

SUBPART B: APPLICABILITY

Section
739.110 Applicability
739.111 Used Oil Specifications
739.112 Prohibitions
739.113 Electronic Reporting

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120 Applicability
739.121 Hazardous Waste Mixing
739.122 Used Oil Storage
739.123 On-Site Burning in Space Heaters
739.124 Off-Site Shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS
AND AGGREGATION POINTS

Section
739.130 Do-It-Yourselfer Used Oil Collection Centers
739.131 Used Oil Collection Centers
739.132 Used Oil Aggregate Points Owned by the Generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER
AND TRANSFER FACILITIES

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739.141 Restrictions on Transporters that Are Not Also Processors
739.142 Notification
739.143 Used Oil Transportation
739.144 Rebuttable Presumption for Used Oil
739.145 Used Oil Storage at Transfer Facilities
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739.147 Management of Residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

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739.150 Applicability
739.151 Notification
739.152 General Facility Standards
739.153 Rebuttable Presumption for Used Oil
739.154 Used Oil Management
739.155 Analysis Plan
739.156 Tracking
739.157 Operating Record and Reporting
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SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on Burning
739.162 Notification
739.163 Rebuttable Presumption for Used Oil
739.164 Used Oil Storage
739.165 Tracking
739.166 Notices
739.167 Management of Residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-Specification Used Oil Fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use As a Dust Suppressant

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January

19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20(A) at 34 Ill. Reg. 3296, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17381, effective October 29, 2010; amended in R13-15 at 37 Ill. Reg. 17963, effective October 24, 2013; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

BOARD NOTE: This definition is different from the definition for "aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks that contain hazardous wastes. This definition of aboveground tank is limited to this Part only.

"Classification", as used in this Part, means a short description of the waste generating activity and designation as either hazardous waste with the appropriate hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or nonhazardous other special waste.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation had commenced on or prior to October 4, 1996. Installation will be considered to have commenced if the owner or operator had obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either of the following had occurred:

A continuous on-site installation program had begun, or

The owner or operator had entered into contractual obligations that cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.
BOARD NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks systems that contain hazardous wastes. This definition of existing tank is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

BOARD NOTE: Household "do-it-yourselfer" used oil is not subject to the State's special waste hauling permit requirements under Part 809.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation had commenced after October 4, 1996.

BOARD NOTE: This definition is similar to the definition given for "New tank system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems that contain hazardous wastes. This definition of new tank is limited to this Part only.

"Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to the following: 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.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Tank" means any stationary device, designed to contain an accumulation of used oil that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Used oil" means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons (208 l). Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C ~~of this Part~~ that bring used oil to the collection center in shipments of no more than 55 gallons (208 l) under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person that conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to Section 739.120(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F ~~of this Part~~.

"Used oil transporter" means any person that transports used oil, any person that collects used oil from more than one generator and that transports the collected oil, and owners and operators of used oil

transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials that are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 728.

a) Used oil. Used oil is presumed to be recycled, unless a used oil handler disposes of used oil or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

b) Mixtures of used oil and hazardous waste.

1) Listed hazardous waste.

A) A mixture of used oil and hazardous waste that is listed in Subpart D of 35 Ill. Adm. Code 721 is subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 728, rather than as used oil under this Part.

B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. An owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

i) This rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. This presumption does apply to

metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

ii) This rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. This rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

2) Characteristic hazardous waste. A mixture of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in Subpart C of 35 Ill. Adm. Code 721 and a mixture of used oil and hazardous waste that is listed in Subpart D ~~of this Part~~ solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 is subject to the following:

A) Except as provided in subsection (b) (2) (C) ~~of this Section~~, regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721; or

B) Except as provided in subsection (b) (2) (C) ~~of this Section~~, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721.

C) Regulation as used oil under this Part, if the mixture is of used oil and a waste that is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.

3) VSQG ~~Conditionally exempt small quantity generator~~ hazardous waste. A mixture of used oil and VSQG ~~conditionally exempt small quantity generator~~ hazardous waste regulated under 35 Ill. Adm. Code 722.114 ~~721.105~~ is subject to regulation as used oil under this Part.

c) Materials containing or otherwise contaminated with used oil.

1) Except as provided in subsection (c) (2) ~~of this Section~~, the following is true of a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible so that no visible signs of free-flowing oil remain in or on the material:

A) The material is not used oil, so it is not subject to this Part ~~721~~ and

B) If applicable, the material is subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728.

2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.

3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

d) Mixtures of used oil with products.

1) Except as provided in subsection (d)(2) ~~of this Section~~, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C ~~of this Part~~.

e) Materials derived from used oil.

1) The following is true of materials that are reclaimed from used oil, which are used beneficially, and which are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants):

A) The materials are not used oil and thus are not subject to this Part ~~7.1~~ and

B) The materials are not solid wastes and are thus not subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728, as provided in 35 Ill. Adm. Code 721.103(e)(1).

2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

3) Except as provided in subsection (e)(4) ~~of this Section~~, the following is true of materials derived from used oil that are disposed of or used in a manner constituting disposal:

A) The materials are not used oil and thus are not subject to this Part ~~7.1~~ and

B) The materials are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728 if the materials are listed or identified as hazardous waste.

4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the federal Clean Water Act (including wastewaters at facilities that have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

g) Used oil introduced into crude oil pipelines or a petroleum refining facility.

1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.

2) Mixtures of used oil and crude oil or natural gas liquids containing less than one percent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.

3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than one percent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.

4) Except as provided in subsection (g) (5) ~~of this Section~~, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.

5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of

this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.

h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

i) Used oil containing PCBs. Used oil containing PCBs, as defined at 40 CFR 761.3 (Definitions), incorporated by reference at 35 Ill. Adm. Code 720.111(b), at any concentration less than 50 ppm is subject to the requirements of this Part unless, because of dilution, it is regulated under federal 40 CFR 761 as a used oil containing PCBs at 50 ppm or greater. PCB-containing used oil subject to the requirements of this Part may also be subject to the prohibitions and requirements of 40 CFR 761, including 40 CFR 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this Part, but is subject to regulation under federal 40 CFR 761. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in this Part or federal 40 CFR 761.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.120 Applicability

a) General. This Subpart C applies to all generators of used oil, except the following:

1) Household "do-it-yourselfer" used oil generators. Household "do-it-yourselfer" used oil generators are not subject to regulation under this Part.

2) Vessels. Vessels at sea or at port are not subject to this Subpart C. For purposes of this Subpart C, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the persons removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this Subpart C once the used oil is transported ashore. The co-generators may decide among themselves which party will fulfill the requirements of this Subpart C.

3) Diesel fuel. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are

not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this Subpart C.

4) Farmers. Farmers who generate an average of 25 gallons (95 l) per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this Part.

b) Other applicable provisions. A used oil generator that conducts any of the following activities is subject to the requirements of other applicable provisions ~~of this Part~~, as indicated in subsections (b)(1) through (b)(5):

1) A generator that transports used oil, except under the self-transport provisions of Section 739.124(a) and (b), must also comply with Subpart E ~~of this Part~~.

2) A generator that processes or re-refines used oil.

A) Except as provided in subsection (b)(2)(B) ~~of this Section~~, a generator that processes or re-refines used oil must also comply with Subpart F ~~of this Part~~.

B) A generator that performs the following activities is not a used oil processor, provided that the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:

i) Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator;

ii) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to Section 402 or 307(b) for the federal Clean Water Act (33 USC 1317 or 1342), 40 CFR 403 through 499, or 35 Ill. Adm. Code 310 or 309, governing the discharge of wastewaters;

iii) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;

iv) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to Section 739.110(c); or

v) Filtering, separating, or otherwise reconditioning used oil before burning it in a space heater pursuant to Section 739.123.

3) A generator that burns off-specification used oil for energy recovery, except under the on-site space heater provisions of Section 739.123, must also comply with Subpart G ~~of this Part~~.

effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean up and manage the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.124 Off-Site Shipments

Except as provided in subsections (a) through (c) ~~of this Section~~, a generator must ensure that its used oil is transported only by transporters that have obtained a USEPA identification number and an Illinois special waste identification number pursuant to 35 Ill. Adm. Code 809.

BOARD NOTE: A generator that qualifies for an exemption under Section 739.124(a) through (c) may still be subject to the State's special waste hauling permit requirements under 35 Ill. Adm. Code 809.

- a) Self-transportation of small amounts to registered collection centers. A generator may transport, without a USEPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that the following conditions are fulfilled:
 - 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
 - 2) The generator transports no more than 55 gallons (208 l) of used oil at any time; and
 - 3) The generator transports the used oil to a used oil collection center that has registered by written notification with the Agency to manage used oil. This notification must include information sufficient for the Agency to identify, locate and communicate with the facility. The notification must be submitted on forms provided by the Agency.

b) Self-transportation of small amounts to aggregation points owned by the generator. A generator may transport, without a USEPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site to an aggregation point provided that the following conditions are fulfilled:

- 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- 2) The generator transports no more than 55 gallons (208 l) of used oil at any time; and
- 3) The generator transports the used oil to an aggregation point that is owned or operated by the same generator.

c) Tolling arrangements. A used oil generator may arrange for used oil to be transported by a transporter without a USEPA identification number and an Illinois special waste identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate the following information:

- 1) The type of used oil and the frequency of shipments;
- 2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and
- 3) That reclaimed oil will be returned to the generator.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section 739.130 Do-It-Yourselfer Used Oil Collection Centers

a) Applicability. This Section applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers. A DIY used oil collection center is any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

b) DIY used oil collection center requirements. Owners or operators of all DIY used oil collection centers must comply with the generator standards in Subpart C ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER
AND TRANSFER FACILITIES

Section 739.140 Applicability

a) General. Except as provided in subsections (a)(1) through (a)(4) ~~of this Section~~, this Subpart E applies to all used oil transporters. A used oil transporter is a person that transports used oil, a person that collects used oil from more than one generator and transport the collected oil, and an owner or operator of a used oil transfer facility.

1) This Subpart E does not apply to on-site transportation.

2) This Subpart E does not apply to a generator that transports shipments of used oil totaling 55 gallons (208 l) or less from the generator to a used oil collection center as specified in Section 739.124(a).

3) This Subpart E does not apply to a generator that transports shipments of used oil totaling 55 gallons (208 l) or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in Section 739.124(b).

4) This Subpart E does not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor, or burner subject to the requirements of this Part. Except as provided in subsections (a)(1) through (a)(3) ~~of this Section~~, this Subpart E does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

BOARD NOTE: A generator that qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.

b) Imports and exports. A transporter that imports used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subpart E from the time the used oil enters and until the time it exits the United States.

c) Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in 35 Ill. Adm. Code 721.107 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste unless, under the provisions of Section 739.110(b), the hazardous waste and used oil mixture is determined not to be hazardous waste.

d) Other applicable provisions. A used oil transporter that conducts the following activities are also subject to other applicable provisions

of this Part as indicated in subsections (d) (1) through (d) (5) ~~of this Section~~:

1) A transporter that generates used oil must also comply with Subpart C ~~of this Part~~;

2) A transporter that processes or re-refines used oil, except as provided in Section 739.141, must also comply with Subpart F ~~of this Part~~;

3) A transporter that burns off-specification used oil for energy recovery must also comply with Subpart G ~~of this Part~~;

4) A transporter that directs shipments of off-specification used oil from its facility to a used oil burner or first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H ~~of this Part~~; and

5) A transporter that disposes of used oil must also comply with Subpart I ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective ~~_____~~)

Section 739.141 Restrictions on Transporters that Are Not Also Processors

a) A used oil transporter may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in subsection (b) ~~of this Section~~, a used oil transporter may not process used oil unless they also comply with the requirements for processors in Subpart F ~~of this Part~~.

b) A transporter may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products unless it also complies with the processor requirements in Subpart F ~~of this Part~~.

c) A transporter of used oil that is removed from oil-bearing electrical transformers and turbines and which is filtered by the transporter or at a transfer facility prior to being returned to its original use is not subject to the processor and re-refiner requirements in Subpart F ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective ~~_____~~)

Section 739.144 Rebuttable Presumption for Used Oil

a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.

b) The transporter must make this determination by the following means:

1) Testing the used oil; or

2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.

c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

1) The rebuttable presumption does not apply to metalworking oils and fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.

2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) ~~of this Section~~ must be maintained by the transporter for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.145 Used Oil Storage at Transfer Facilities

A used oil transporter is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart E. A used oil transporter is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

a) Applicability. This Section applies to 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 not longer than 35 days. A transfer facility that store used oil for more than 35 days are subject to regulation under Subpart F ~~of this Part~~.

b) Storage units. An owner or operator of a used oil transfer facility may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

c) Condition of units. The following must be true of containers and aboveground tanks used to store used oil at a transfer facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

d) Secondary containment for containers. Containers used to store used oil at a transfer facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at a transfer facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at a transfer facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

g) Labels.

1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil-".

2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil-".

h) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, an owner or operator of a transfer facility must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.45(h) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located-". The Board

adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean up and manage the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.146 Tracking

a) Acceptance. A used oil transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the following:

- 1) The name and address of the generator, transporter, or processor that provided the used oil for transport;
- 2) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor that provided the used oil for transport;
- 3) The quantity of used oil accepted;
- 4) The date of acceptance;
- 5) The signature:

A) Except as provided in subsection (a) (5) (B) ~~of this section~~, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided the used oil for transport.

B) An intermediate rail transporter is not required to sign the record of acceptance; and

6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Deliveries. A used oil transporter must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include the following:

1) The name and address of the receiving facility or transporter;

2) The USEPA identification number and Illinois special waste identification number of the receiving facility or transporter;

3) The quantity of used oil delivered;

4) The date of delivery;

5) The signature:

A) Except as provided in subsection (b)(5)(B) ~~of this Section~~, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

B) An intermediate rail transporter is not required to sign the record of acceptance.

c) Exports of used oil. A used oil transporter must maintain the records described in subsections (b)(1) through (b)(4) ~~of this Section~~ for each shipment of used oil exported to any foreign country.

d) Record retention. The records described in subsections (a), (b), and (c) ~~of this Section~~ must be maintained for at least three years.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective _____)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.150 Applicability

a) The requirements of this Subpart F apply to owners and operators of facilities that process used oil. Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to the following: 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. The requirements of this Subpart F do not apply to the following:

1) A transporter that conducts incidental processing operations that occur during the normal course of transportation, as provided in Section 739.141; or

2) A burner that conducts incidental processing operations that occur during the normal course of used oil management prior to burning, as provided in Section 739.161(b).

b) Other applicable provisions. A used oil processor that conducts the following activities are also subject to the requirements of other applicable provisions of this Part, as indicated in subsections (b)(1) through (b)(5) ~~of this Section~~.

1) A processor that generates used oil must also comply with Subpart C of this Part;

2) A processor that transports used oil must also comply with Subpart E ~~of this Part~~;

3) Except as provided in subsections (b)(3)(A) and (b)(3)(B) ~~of this Section~~, a processor that burns off-specification used oil for energy recovery must also comply with Subpart G of this Part. Processors burning used oil for energy recovery under the following conditions are not subject to Subpart G ~~of this Part~~:

A) The used oil is burned in an on-site space heater that meets the requirements of Section 739.123; or

B) The used oil is burned for purposes of processing used oil, which is considered burning incidentally to used oil processing;

4) A processor that directs shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H ~~of this Part~~; and

5) A processor that disposes of used oil also must comply with Subpart I ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective _____)

Section 739.152 General Facility Standards

a) Preparedness and prevention. An owner or operator of a used oil processing or re-refining facility must comply with the following requirements:

1) Maintenance and operation of a facility. All facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water that could threaten human health or the environment.

2) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subsections (a)(2)(A) through (a)(2)(D) ~~of this Section~~:

A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

B) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

D) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

3) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

4) Access to communications or alarm system~~-~~

A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (a) (2) ~~-of this Section.~~

B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a) (2) ~~-of this Section.~~

5) Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

6) Arrangements with local authorities~~-~~

A) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:

i) Arrangements to familiarize police, fire departments, 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;

ii) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

B) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

b) Contingency plan and emergency procedures. An owner or operator of a used oil processing or re-refining facility must comply with the following requirements:

1) Purpose and implementation of contingency plan.

A) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.

B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil that could threaten human health or the environment.

2) Content of contingency plan.

A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b) (1) and (b) (6) ~~of this Section~~ in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.

B) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with federal 40 CFR 112 or some other emergency or contingency plan exists for the facility under federal, State, or local regulation (e.g., federal 40 CFR 300 or 40 CFR 280), the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.

C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a) (6) ~~of this Section~~.

D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b) (5) ~~of this Section~~), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This

plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).

3) Copies of contingency plan. Copies of the contingency plan and all revisions to the plan must be disposed of as follows:

A) Maintained at the facility; and

B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever one of the following occurs:

A) Applicable regulations are revised;

B) The plan fails in an emergency;

C) The facility changes - in its design, construction, operation, maintenance, or other circumstances - in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;

D) The list of emergency coordinators changes; or

E) The list of emergency equipment changes.

5) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This 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 characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: USEPA cited the following as guidance: "The emergency coordinator's responsibilities are more fully spelled out in [subsection (b) (6) ~~of this Section~~]. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility."

6) Emergency procedures-

A) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately do the following:

i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

ii) Notify appropriate State or local agencies with designated response roles if their help is needed.

B) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests and, if necessary, by chemical analyses.

C) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

D) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health, or the environment, outside the facility, he or she must report his findings as follows:

i) If his assessment indicated that evacuation of local areas may be advisable, he or she must immediately notify appropriate local authorities. He or she must be available to help appropriate officials decide whether local areas should be evacuated; and

ii) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under federal 40 CFR 300), or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report must include the following information: name and telephone number of reporter; name and address of facility; time and type of incident (e.g., release, fire); name and quantity of materials involved, to the extent known; the extent of injuries, if any; and the possible hazards to human health, or the environment, outside the facility.

E) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.

F) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

G) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

H) The emergency coordinator must ensure that the following occur, in the affected areas of the facility:

i) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and

ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

iii) The owner or operator must notify the Agency, and all other appropriate State and local authorities that the facility is in compliance with subsections (b) (6) (H) (i) and (b) (6) (H) (ii) ~~of this Section~~ before operations are resumed in the affected areas of the facility.

I) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, it must submit a written report on the incident to USEPA Region 5. The report must include the following:

i) The name, address, and telephone number of the owner or operator;

ii) The name, address, and telephone number of the facility;

iii) The date, time, and type of incident (e.g., fire, explosion);

iv) The name and quantity of materials involved;

v) The extent of injuries, if any;

vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

vii) The estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.154 Used Oil Management

A used oil processor is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart F. A used oil processor or re-refiner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart F.

a) Management units. A used oil processor may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

b) Condition of units. The following must be true of containers and aboveground tanks used to store or process used oil at a processing facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

c) Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

e) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels.

1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil-".

2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil-".

g) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a processor must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.54(g) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located~~r~~". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located~~r~~", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Properly clean up and manage the released used oil and other materials; and
 - 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- h) Closure.
- 1) Aboveground tanks. An owner or operator that stores or processes used oil in aboveground tanks must comply with the following requirements:
 - A) 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 this chapter.
 - B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h) (1) (A) ~~of this Section~~, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).
 - 2) Containers. An owner or operator that stores used oil in containers must comply with the following requirements:
 - A) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - B) The owner or operator must remove or decontaminate used oil residues, 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 35 Ill. Adm. Code 721.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.156 Tracking

a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter that delivered the used oil to the processor;
- 2) The name and address of the generator or processor from whom the used oil was sent for processing;
- 3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;
- 4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
- 5) The quantity of used oil accepted;
- 6) The date of acceptance; and
- 7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:
 - A) Information stating when and where the special waste was generated;
 - B) The classification and quantity of the special waste delivered to the transporter;
 - C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and
 - D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that

the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Deliveries. A used oil processor must keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:

1) The name and address of the transporter that delivers the used oil to the burner, processor, or disposal facility;

2) The name and address of the burner, processor, or disposal facility that will receive the used oil;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner, processor or disposal facility;

4) The USEPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility that will receive the used oil;

5) The quantity of used oil shipped;

6) The date of shipment; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

c) Record retention. The records described in subsections (a) and (b) ~~of this Section~~ must be maintained for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

a) General. The requirements of this Subpart G apply to used oil burners except as specified in subsections (a)(1) and (a)(2) ~~of this Section~~. A used oil burner is a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a). Facilities burning used oil for energy recovery under the following conditions are not subject to this Subpart G:

1) The used oil is burned by the generator in an on-site space heater under the provisions of Section 739.123; or

2) The used oil is burned by a processor for purposes of processing used oil, which is considered burning incidentally to used oil processing.

b) Other applicable provisions. A used oil burner that conducts the following activities is also subject to the requirements of other applicable provisions of this Part as indicated below.

1) A burner that generates used oil must also comply with Subpart C ~~of this Part~~;

2) A burner that transports used oil must also comply with Subpart E ~~of this Part~~;

3) Except as provided in Section 739.161(b), a burner that processes or re-refines used oil must also comply with Subpart F ~~of this Part~~;

4) A burner that directs shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H ~~of this Part~~; and

5) A burner that disposes of used oil must comply with Subpart I ~~of this Part~~.

c) Specification fuel. This Subpart G does not apply to a person burning used oil that meets the used oil fuel specification of Section

739.111, provided that the burner complies with the requirements of Subpart H ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.161 Restriction on Burning

a) Off-specification used oil fuel may only be burned for energy recovery in the following devices:

1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;

2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:

A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123; or

3) Hazardous waste incinerators subject to regulation under Subpart O of 35 Ill. Adm. Code 724 or 725.

b) Restrictions.

1) With the following exception, a used oil burner may not process used oil unless it also complies with the requirements of Subpart F ~~of this Part~~.

2) A used oil burner may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.163 Rebuttable Presumption for Used Oil

a) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

b) The used oil burner must determine if the used oil contains above or below 1,000 ppm total halogens by the following means:

1) Testing the used oil;

2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used; or

3) If the used oil has been received from a processor subject to regulation under Subpart F ~~of this Part~~, using information provided by the processor.

c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

1) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils and fluids are recycled in any other manner, or disposed.

2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

d) Record retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) ~~of this Section~~ must be maintained by the burner for at least three years.

(Source: Amended at 42 Ill. Reg. , effective)

Section 739.164 Used Oil Storage

A used oil burner is subject to all applicable Spill Prevention, Control and Countermeasures (federal 40 CFR 112) in addition to the requirements of this Subpart G. A used oil burner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart G.

a) Storage units. A used oil burner may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

b) Condition of units. The following must be true of containers and aboveground tanks used to store used oil at a burner facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

c) Secondary containment for containers. Containers used to store used oil at a burner facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Dikes, berms, or retaining walls; and

B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

e) Secondary containment for new aboveground tanks. A new aboveground tank used to store used oil at burner facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels.

1) A container or aboveground tank used to store used oil at a burner facility must be labeled or marked clearly with the words "Used Oil-".

2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil-".

g) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a burner must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.64(g) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located-". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located-", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

1) Stop the release;

2) Contain the released used oil;

3) Properly clean up and manage the released used oil and other materials; and

4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.165 Tracking

a) Acceptance. A used oil burner must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivered the used oil to the burner;

2) The name and address of the generator or processor from whom the used oil was sent to the burner;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;

4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;

5) The quantity of used oil accepted;

6) The date of acceptance; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for

transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Record retention. The records described in subsection (a) ~~of this Section~~ must be maintained for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.166 Notices

a) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor, the burner must provide to the generator, transporter, or processor a one-time written and signed notice certifying the following:

- 1) That the burner has notified USEPA stating the location and general description of his used oil management activities; and
- 2) That the burner will burn the used oil only in an industrial furnace or boiler identified in Section 739.161(a).

b) Certification retention. The certification described in subsection (a) ~~of this Section~~ must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

a) Any person that conducts either of the following activities is subject to the requirements of this Subpart H:

- 1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
- 2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

b) The following persons are not marketers subject to this Subpart H:

1) A used oil generator, or a transporter that transports used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from its facility to a used oil burner. However, a processor that burns some used oil fuel for purposes of processing is considered to be burning incidentally to processing. Thus, generator or transporter that directs shipments of off-specification used oil to a processor that incidentally burns used oil is not a marketer subject to this Subpart H;

2) A person that directs shipments of on-specification used oil and which is not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.

c) Any person subject to the requirements of this Subpart H must also comply with one of the following:

1) Subpart C ~~Standards of this Part~~ - Standards for Used Oil Generators;

2) Subpart E ~~Standards of this Part~~ - Standards for Used Oil Transporters and Transfer Facilities;

3) Subpart F ~~Standards of this Part~~ - Standards for Used Oil Processors and Re-refiners; or

4) Subpart G ~~Standards of this Part~~ - Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery.

(Source: Amended at 42 Ill. Reg. ~~—~~, effective _____)

Section 739.174 Tracking

a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivers the used oil to the burner;

2) The name and address of the burner that will receive the used oil;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;

4) The USEPA identification number and Illinois special waste identification number of the burner;

5) The quantity of used oil shipped;

6) The date of shipment; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:

1) The name and address of the facility receiving the shipment;

2) The quantity of used oil fuel delivered;

3) The date of shipment or delivery; and

4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).

c) Record retention. The records described in subsections (a) and (b) ~~of this Section~~ must be maintained for at least three years.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 739.175 Notices

a) Certification. Before a used oil generator, transporter, or processor directs the first shipment of off-specification used oil fuel to a burner, it must obtain a one-time written and signed notice from the burner certifying the following:

- 1) That the burner has notified USEPA stating the location and general description of used oil management activities; and
- 2) That the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in Section 739.161(a).

b) Certification retention. The certification described in subsection (a) ~~of this Section~~ must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

(Source: Amended at 42 Ill. Reg. ~~---~~, effective

~~_____)
ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

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