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95 96	AHTHORITY	7: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
97		al Protection Act [415 ILCS 5/7.2, 22.4, and 27].
98	Liiviioimiiciita	ii i rotection ret [413 1205 377.2, 22.4, and 27].
99	SOURCE: A	dopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in
100		Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616,
101		ember 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995;
102		96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in
103		2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28
104		6, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094,
105	_	uary 23, 2006; amended in R06-16/R06-17/R06-18 at 31 III. Reg. 1413, effective
106		, 2006; amended in R07-5/R07-14 at 32 Ill. Reg, effective
107	•	
108		SUBPART B: APPLICABILITY
109		
110	Section 739.1	10 Applicability
111		
112	This Section i	dentifies those materials that are subject to regulation as used oil under this Part.
113	This Section a	also identifies some materials that are not subject to regulation as used oil under this
114	Part, and indic	cates whether these materials may be subject to regulation as hazardous waste
115	under 35 Ill. A	Adm. Code 702, 703, and 720 through 728.
116		
117	a)	Used oil. Used oil is presumed to be recycled, unless a used oil handler disposes
118		of used oil or sends used oil for disposal. Except as provided in Section 739.111,
119		the regulations of this Part apply to used oil and to materials identified in this
120		Section as being subject to regulation as used oil, whether or not the used oil or
121		material exhibits any characteristics of hazardous waste identified in Subpart C of
122		35 Ill. Adm. Code 721.
123		
124	b)	Mixtures of used oil and hazardous waste.
125		
126		1) Listed hazardous waste.
127		
128		A) A mixture of used oil and hazardous waste that is listed in Subpart
129		D of 35 Ill. Adm. Code 721 is subject to regulation as hazardous

130 131 132		waste under 35 Ill. Adm. Code 702, 703, and 720 through 728, rather than as used oil under this Part.
133 134 135 136 137 138 139 140	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).
142 143 144 145 146 147 148 149		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.
150 151 152 153 154 155 156 157		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.
158 2) 159 160 161 162 163 164	waste to character 721 and D of the of haza	eteristic hazardous waste. A mixture of used oil and hazardous that solely exhibits one or more of thea hazardous waste teristicseharacteristic identified in Subpart C of 35 Ill. Adm. Code d a mixture of used oil and hazardous waste that is listed in Subpart his Part solely because it exhibits one or more of the characteristics ardous waste identified in Subpart C of 35 Ill. Adm. Code 721 is to the following:
165 166 167 168 169 170	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
172	B)	Except as provided in subsection (b)(2)(C) of this Section,

173				regulation as used oil under this Part, if the resultant mixture does
174				not exhibit any characteristics of hazardous waste identified under
175				Subpart C of 35 Ill. Adm. Code 721.
176				
177			C)	Regulation as used oil under this Part, if the mixture is of used oil
178				and a waste that is hazardous solely because it exhibits the
179				characteristic of ignitability (e.g., ignitable-only mineral spirits),
180				provided that the resultant mixture does not exhibit the
181				characteristic of ignitability under 35 Ill. Adm. Code 721.121.
182				
183		3)		tionally exempt small quantity generator hazardous waste. A
184			mixtur	e of used oil and conditionally exempt small quantity generator
185				lous waste regulated under 35 Ill. Adm. Code 721.105 is subject to
186			regula	tion as used oil under this Part.
187				
188	c)	Materi	ials cont	taining or otherwise contaminated with used oil.
189	•			
190		1)		t as provided in subsection (c)(2) of this Section, the following is
191				a material containing or otherwise contaminated with used oil from
192				the used oil has been properly drained or removed to the extent
193			-	le so that no visible signs of free-flowing oil remain in or on the
194			materi	al:
195				
196			A)	The material is not used oil, so it is not subject to this Part, and
197				
198			B)	If applicable, the material is subject to the hazardous waste
199				regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728.
200				
201		2)	A mate	erial containing or otherwise contaminated with used oil that is
202			burned	I for energy recovery is subject to regulation as used oil under this
203			Part.	
204				
205		3)		oil drained or removed from materials containing or otherwise
206			contan	ninated with used oil is subject to regulation as used oil under this
207			Part.	
208				
209	d)	Mixtu	res of us	sed oil with products.
210				
211		1)		t as provided in subsection (d)(2) of this Section, mixtures of used
212				fuels or other fuel products are subject to regulation as used oil
213			under 1	this Part.
214				
215		2)	Mixtur	res of used oil and diesel fuel mixed on-site by the generator of the

216 217				bil for use in the generator's own vehicles are not subject to this Part he used oil and diesel fuel have been mixed. Prior to mixing, the
218				il is subject to the requirements of Subpart C of this Part.
219 220	e)	Mater	ials deri	ived from used oil.
221	O)	1414101	iuis ucii	vod from usod on.
222		1)	The fo	ollowing is true of materials that are reclaimed from used oil, which
223		1)		ed beneficially, and which are not burned for energy recovery or
224				n a manner constituting disposal (e.g., re-refined lubricants):
225			asea n	a manifer constituting disposar (c.g., 10 femiliar raphomics).
226			A)	The materials are not used oil and thus are not subject to this Part,
227			. ,	and
228				
229			B)	The materials are not solid wastes and are thus not subject to the
230			,	hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and
231				720 through 728, as provided in 35 Ill. Adm. Code 721.103(e)(1).
232				
233		2)	Materi	ials produced from used oil that are burned for energy recovery (e.g.,
234			used o	il fuels) are subject to regulation as used oil under this Part.
235				
236		3)	Excep	t as provided in subsection (e)(4) of this Section, the following is
237			true of	f materials derived from used oil that are disposed of or used in a
238			manne	er constituting disposal:
239				
240			A)	The materials are not used oil and thus are not subject to this Part,
241				and
242				
243			B)	The materials are solid wastes and thus are subject to the
244				hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and
245				720 through 728 if the materials are listed or identified as
246				hazardous waste.
247		45	** 1	
248		4)		oil re-refining distillation bottoms that are used as feedstock to
249			manut	acture asphalt products are not subject to this Part.
250	0	777 /	, ,	
251	f)			Wastewater, the discharge of which is subject to regulation under
252				402 or Section 307(b) of the federal Clean Water Act (including
253 254				t facilities that have eliminated the discharge of wastewater),
254 255				with de minimis quantities of used oil are not subject to the
		_		of this Part. For purposes of this subsection, "de minimis" quantities be defined as small spills, leaks, or drippings from pumps,
256 257				pes, and other similar equipment during normal operations or small
257 258				l 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.
 - 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.
 - 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

302 this Part. 303 304 h) Used oil on vessels. Used oil produced on vessels from normal shipboard 305 operations is not subject to this Part until it is transported ashore. 306 307 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 308 309 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 310 311 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 312 of 40 CFR 761, including 40 CFR 761.20(d) and (e). Used oil containing PCBs at 313 concentrations of 50 ppm or greater is not subject to the requirements of this Part, 314 but is subject to regulation under federal 40 CFR 761. No person may avoid these 315 provisions by diluting used oil containing PCBs, unless otherwise specifically 316 provided for in this Part or federal 40 CFR 761. 317 318 (Source: Amended at 32 Ill. Reg. _____, effective _____) 319 320

Section 739.111 Used Oil Specifications

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322 323

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326 327

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332

333

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this Part unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in the following table. Once used oil that is to be burned for energy recovery has been shown not to exceed any allowable levelspecification and the person making that showing complies with Sections 739.172, 739.173, and 739.174(b), the used oil is no longer subject to this Part.

Used Oil Allowable Specification Levels When Burned for Energy Recovery¹

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100 °F minimum
Total halogens	4,000 ppm maximum ²

FOOTNOTE: ¹ The <u>allowable levels dospecification does</u> not apply to mixtures of used oil and

334 hazardous waste that continue to be regulated as hazardous waste (see Section 739.110(b)). 335 FOOTNOTE: ² Used oil containing more than 1,000 ppm total halogens is presumed to be a 336 337 hazardous waste under the rebuttable presumption provided under Section 739.110(b)(1). Such 338 used oil is subject to Subpart H of 35 Ill. Adm. Code 726, rather than this Part, when burned for energy recovery unless the presumption of mixing can be successfully rebutted. 339 340 341 NOTE: Applicable standards for the burning of used oil containing PCBs are imposed by 40 342 CFR 761.20(e). 343 344 (Source: Amended at 32 Ill. Reg. _____, effective _____) 345 346 SUBPART E: STANDARDS FOR USED OIL TRANSPORTER 347 AND TRANSFER FACILITIES 348 349 Section 739.143 Used Oil Transportation 350 351 a) Deliveries. A used oil transporter must deliver all used oil received to one of the 352 following: 353 354 1) Another used oil transporter, provided that the transporter has obtained a USEPA identification number and an Illinois special waste identification 355 number; 356 357 358 2) A used oil processing facility that has obtained a USEPA identification 359 number and an Illinois special waste identification number; 360 361 3) An off-specification used oil burner facility that has obtained a USEPA 362 identification number and an Illinois special waste identification number; or 363 364 4) An on-specification used oil burner facility. 365 366 b) USDOT requirements. A used oil transporter must comply with all applicable 367 USDOT requirements in 49 CFR 171 through 180. A person transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 (Definitions and 368 369 Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must 370 comply with all applicable USDOT Hazardous Materials Regulations in 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous 371 372 Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers -373 General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 374 375 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank 376

377				0 (Continuing Qualification and Maintenance of Packagings),
378		incor	porated	by reference in 35 Ill. Adm. Code 720.111(b).
379	,	TT 1	.1 1. 1	
380	c)	Used	oil discl	narges.
381		4.	~ .4	
382		1)		event of a discharge of used oil during transportation, the transporter
383				take appropriate immediate action to protect human health and the
384			enviro	onment (e.g., notify local authorities, dike the discharge area).
385				
386		2)		scharge of used oil occurs during transportation and an official (State
387				al government or a federal agency) acting within the scope of official
388			respor	nsibilities determines that immediate removal of the used oil is
389			necess	sary to protect human health or the environment, that official may
390			author	rize the removal of the used oil by a transporter that does not have a
391			USEP	A identification number and an Illinois special waste identification
392			numb	er.
393				
394		3)	An air	r, rail, highway, or water transporter that has discharged used oil must
395			do the	e following:
396				-
397			A)	Give notice, if required by federal 49 CFR 171.15 (Immediate
398				Notice of Certain Hazardous Materials Incidents), incorporated by
399				reference in 35 Ill. Adm. Code 720.111(b), to the National
400				Response Center (800-424-8802 or 202-426-2675); and
401				
402			B)	Report in writing as required by federal 49 CFR 171.16 (Detailed
403			2)	Hazardous Materials Incident Reports), incorporated by reference
404				in 35 Ill. Adm. Code 720.111(b), to the Director, Office of
405				Hazardous Materials Regulations, Materials Transportation Bureau,
406				Department of Transportation, Washington, DC 20590.
407				Dopardinon of Transportation, Washington, DC 20050.
408		4)	A wat	er transporter that has discharged used oil must give notice as required
409		')		leral 33 CFR 153.203 (Procedure for the Notice of Discharge),
410			-	porated by reference in 35 Ill. Adm. Code 720.111(b).
411			mcorp	oraled by reference in 33 In. rain. Code 720.111(b).
412		5)	Δ tran	sporter must clean up any used oil <u>dischargedischarged</u> that occurs
413		<i>J</i>		g transportation or take such action as may be required or approved by
413 414			_	I, state, or local officials so that the used oil discharge no longer
415 416			preser	nts a hazard to human health or the environment.
416	(0 -		- المامسم	+ 22 III Dag affective
417	(Sou	rce: Am	ended a	tt 32 Ill. Reg, effective)
418				

420		
421	a)	To ensure that used oil is not a hazardous waste under the rebuttable presumption of
422		Section 739.110(b)(1)(ii), the used oil transporter must determine whether the total
423		halogen content of used oil being transported transporter or stored at a transfer
424		facility is above or below 1,000 ppm.
425		
426	b)	The transporter must make this determination by the following means:
427		
428		1) Testing the used oil; or
429		
430		2) Applying knowledge of the halogen content of the used oil in light of the
431		materials or processes used.
432		
433	c)	If the used oil contains greater than or equal to 1,000 ppm total halogens, it is
434	ŕ	presumed to be a hazardous waste because it has been mixed with halogenated
435		hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or
436		operator may rebut the presumption by demonstrating that the used oil does not
437		contain hazardous waste (for example, by showing that the used oil does not contain
438		significant concentrations of halogenated hazardous constituents listed in Appendix
439		H of 35 Ill. Adm. Code 721).
440		•
441		1) The rebuttable presumption does not apply to metalworking oils and fluids
442		containing chlorinated paraffins, if they are processed, through a tolling
443		arrangement as described in Section 739.124(c), to reclaim metalworking
444		oils and fluids. The presumption does apply to metalworking oils and fluids
445		if such oils and fluids are recycled in any other manner, or disposed.
446		
447		2) The rebuttable presumption does not apply to used oils contaminated with
448		chlorofluorocarbons (CFCs) removed from refrigeration units if the
449		<u>CFCsCFC</u> are destined for reclamation. The rebuttable presumption does
450		apply to used oils contaminated with CFCs that have been mixed with used
451		oil from sources other than refrigeration units.
452		_
453	d)	Record retention. Records of analyses conducted or information used to comply
454	·	with subsections (a), (b), and (c) of this Section must be maintained by the
455		transporter for at least three years.
456		
457	(Sourc	e: Amended at 32 Ill. Reg, effective)
458	-	
459	Section 739.1	45 Used Oil Storage at Transfer Facilities

461 462 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

463	subject to the	Underg	ground S	Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in			
464	underground	tanks whether or not the used oil exhibits any characteristics of hazardous waste, in					
465	_			of this Subpart.			
466		•		1			
467	a)	Applie	cability.	. This Section applies to used oil transfer facilities. Used oil transfer			
468	,		-	ransportation-related facilities including loading docks, parking			
469				areas, and other areas where shipments of used oil are held for more			
470				during the normal course of transportation and not longer than 35			
471				sfer facility that store used oil for more than 35 days are subject to			
472		•		der Subpart F of this Part.			
473		υ		1			
474	b)	Storag	e units.	An owner or operator of a used oil transfer facility may not store			
475	,	_		its other than tanks, containers, or units subject to regulation under			
476				Code 724 or 725.			
477							
478	c)	Condi	tion of	units. The following must be true of containers and aboveground			
479	,			store used oil at a transfer facility:			
480				•			
481		1)	The co	ontainers must be in good condition (no severe rusting, apparent			
482			structi	ural defects or deterioration); and			
483				<i>,</i>			
484		2)	The co	ontainers may not be leaking (no visible leaks).			
485		·					
486	d)	Secon	dary co	ntainment for containers. Containers used to store used oil at a			
487		transfe	er facili	ty must be equipped with a secondary containment system.			
488							
489		1)	The se	econdary containment system must consist of the following, at a			
490			minim	num:			
491							
492			A)	Both of the following:			
493							
494				i) Dikes, berms, or retaining walls; and			
495							
496				ii) A floor. The floor must cover the entire area within the			
497				dikes, berms, or retaining walls; or			
498							
499			B)	An equivalent secondary containment system.			
500							
501		2)		ntire containment system, including walls and floors, must be			
502				iently impervious to used oil to prevent any used oil released into the			
503				nment system from migrating out of the system to the soil,			
504			ground	dwater, or surface water.			
505							

506 507 508 509	e)	tanks	s used to	store	ment for existing aboveground tanks. Existing aboveground used oil at a transfer facility must be equipped with a nent system.
510 511		1)		seconda mum:	ary containment system must consist of the following, at a
512 513			A)	Both	n of the following:
514			Í		· ·
515				i)	Dikes, berms, or retaining walls; and
516				-	
517				ii)	A floor. The floor must cover the entire area within the
518					dike, berm, or retaining wall except areas where existing
519					portions of the tank meet the ground; or
520					
521			B)	An e	equivalent secondary containment system.
522					
523		2)			ontainment system, including walls and floors, must be
524					impervious to used oil to prevent any used oil released into the
525					t system from migrating out of the system to the soil,
526			grour	ndwate:	r, or surface water.
527					
528	f)		-		nent for new aboveground tanks. New aboveground tanks
529		used	to store	used o	il at a transfer facility must be equipped with a secondary
530		conta	inment	system	l.
531					
532		1)	The s	seconda	ary containment system must consist of the following, at a
533			minir	num:	
534					
535			A)	Both	of the following:
536					
537				i)	Dikes, berms, or retaining walls; and
538					
539				ii)	A floor. The floor must cover the entire area within the
540					dike, berm, or retaining wall; or
541					
542			B)	An e	equivalent secondary containment system.
543					
544		2)			ontainment system, including walls and floors, must be
545					impervious to used oil to prevent any used oil released into the
546					t system from migrating out of the system to the soil,
547			grour	ıdwateı	r, or surface water.
548					

549 550	g)	Labels	3.
551 552		1)	Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
553 554		2)	Fill pipes used to transfer used oil into underground storage tanks at
555 556 557			transfer facilities must be labeled or marked clearly with the words "Used Oil."
558 559	h)	-	nse to releases. Upon detection of a release of used oil to the environment not subject to the federal requirements of subpart F of 40 CFR 280 and
560 561		which	has occurred after October 4, 1996, an owner or operator of a transfer y must perform the following cleanup steps:
562563			RD NOTE: Corresponding 40 CFR 279.45(h) applies to releases that
564565566		in whi	red after the effective date of the authorized used oil program for the State ch the release is located." The Board adopted the used oil standards in t R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA
567 568		approv	wed the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective er 4, 1996. The Board has interpreted "the effective date of the authorized
569 570		used o	il program" to mean the October 4, 1996 date of federal authorization of the sprogram, and we substituted that date for the federal effective date
571 572		langua	ige. Had USEPA written something like "the effective date of the used oil m in the authorized State in which the release is located," the Board would
573 574			used the November 22, 1993 effective date of the Illinois used oil standards.
575 576		1)	Stop the release;
577 578 579		2)	Contain the released used oil; Properly clean up and manage the released used oil and other materials;
580 581		3)	and
582 583		4)	If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
584 585	(Source	ce: Ame	ended at 32 III. Reg, effective)
586 587 588		SUB	PART F: STANDARDS FOR USED OIL PROCESSORS
589 590	Section 739.1	52 Ger	neral Facility Standards
591	a)	Prepar	edness and prevention. An owner or operator of a used oil processing or

592 re-refining facility must comply with the following requirements: 593 594 1) 595 596 597 water that could threaten human health or the environment. 598 599 2) 600 601 602 through (a)(2)(D) of this Section: 603 604 A) 605 606 personnel; 607 608 B) 609 610 611 612 613 C) 614 615 616 equipment; and 617 618 D) 619 spray systems. 620 621 622 3) 623 624 625 626 emergency. 627 628 4) Access to communications or alarm system. 629 630 A) Whenever used oil is being poured, mixed, spread, or otherwise 631 632 633 634

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

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)

- An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility
- 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;
- 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
- Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water
- 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
 - 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

635			in sub	osection (a)(2) of this Section.
636		~ ``	* 0.1	
637		B)		re is ever just one employee on the pre
638			_	erating, the employee must have imme
639				as a telephone (immediately available
640			-	tion) or a hand-held two-way radio, ca
641				nal emergency assistance, unless such
642			in sub	section (a)(2) of this Section.
643				
644	5)			e space. The owner or operator must
645				obstructed movement of personnel, fire
646		spill c	ontrol (equipment, and decontamination equip
647		facilit	y opera	tion in an emergency, unless aisle space
648		of the	se purp	oses.
649				
650	6)	Arran	gement	s with local authorities.
651				
652		A)	The o	wner or operator must attempt to make
653			arrang	gements, as appropriate for the type of
654			facilit	ry and the potential need for the service
655			organ	izations:
656				
657			i)	Arrangements to familiarize police,
658			ŕ	emergency response teams with the
659				properties of used oil handled at the
660				hazards, places where facility persor
661				working, entrances to roads inside th
662				evacuation routes;
663				,
664			ii)	Where more than one police and fire
665			,	respond to an emergency, agreement
666				emergency authority to a specific po
667				department, and agreements with an
668				support to the primary emergency at
669				
670			iii)	Agreements with State emergency re
671			,	emergency response contractors, and
672				and
673				
674			iv)	Arrangements to familiarize local ho
675			7	properties of used oil handled at the
676				of injuries or illnesses that could res
677				explosions, or releases at the facility
				The second of the second of the second

- mises while the facility diate access to a device, at the scene of pable of summoning a device is not required
- maintain aisle space to e protection equipment, ment to any area of ce is not needed for any
 - te the following used oil handled at the es of these
 - fire departments, and layout of the facility, facility and associated nnel would normally be he facility, and possible
 - e department might ts designating primary olice and a specific fire y others to provide uthority;
 - esponse teams, d equipment suppliers;
 - ospitals with the facility and the types ult from fires,

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- 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 40 CFR 300, or some other emergency or contingency plan, 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

721 722 723 724			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.
725 726		E)	The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control
727			equipment, communications and alarm systems (internal and
728			external), and decontamination equipment), where this equipment
729			is required. This list must be kept up to date. In addition, the plan
730			must include the location and a physical description of each item
731			on the list, and a brief outline of its capabilities.
732			The time state is the state of the supplication.
733		F)	The plan must include an evacuation plan for facility personnel
734		- /	where there is a possibility that evacuation could be necessary.
735			This plan must describe signals to be used to begin evacuation,
736			evacuation routes, and alternate evacuation routes (in cases where
737			the primary routes could be blocked by releases of used oil or
738			fires).
739			
740	3)	Copie	es of contingency plan. Copies of the contingency plan and all
741	- /		ions to the plan must be disposed of as follows:
742			20110 H
743		A)	Maintained at the facility; and
744		/	
745		B)	Submitted to all local police departments, fire departments,
746		-,	hospitals, and State and local emergency response teams that may
747			be called upon to provide emergency services.
748			or control of the con
749	4)	Ameı	ndment of contingency plan. The contingency plan must be
750	.,		wed, and immediately amended, if necessary, whenever one of the
751			wing occurs:
752			
753		A)	Applicable regulations are revised;
754)	-Fr
755		B)	The plan fails in an emergency;
756		_,	p
757		C)	The facility changes – in its design, construction, operation,
758		-,	maintenance, or other circumstances – in a way that materially
759			increases the potential for fires, explosions, or releases of used oil,
760			or changes the response necessary in an emergency;
761			5 ,
762		D)	The list of emergency coordinators changes; or
763		,	<i>5</i> ,

т е

- E) The list of emergency equipment changes.
- 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 <u>areala real</u> extent of any released materials. He or she may do this by observation or review of facility records <u>or</u>of manifests and, if necessary, by chemical <u>analyses analysts</u>.
 - 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 <u>or</u>of 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.

850			
851	H)	The	emergency coordinator must ensure that the following occur,
852	ŕ		e affected areas of the facility:
853			•
854		i)	No waste or used oil that may be incompatible with the
855		,	released material is recycled, treated, stored, or disposed of
856			until cleanup procedures are completed; and
857			
858		ii)	All emergency equipment listed in the contingency plan is
859		,	cleaned and fit for its intended use before operations are
860			resumed.
861			
862		iii)	The owner or operator must notify the Agency, and all
863			other appropriate State and local authorities that the facility
864			is in compliance with subsections (b)(6)(H)(i) and
865			(b)(6)(H)(ii) of this Section before operations are resumed
866			in the affected areas of the facility.
867			······································
868	I)	The o	owner or operator must note in the operating record the time,
869	,		and details of any incident that requires implementing the
870			ngency plan. Within 15 days after the incident, it must submit
871			tten report on the incident to USEPA Region 5. The report
872			include the following:
873		*********	more and tome time.
874		i)	The name, address, and telephone number of the owner or
875		-)	operator;
876			op ••••••
877		ii)	The name, address, and telephone number of the facility;
878		/	in in including,
879		iii)	The date, time, and type of incident (e.g., fire, explosion);
880)	,,,,,,,,,,,,
881		iv)	The name and quantity of materials involved;
882		,	<i> </i>
883		v)	The extent of injuries, if any;
884		• /	,,,,
885		vi)	An assessment of actual or potential hazards to human
886		,	health or the environment, where this is applicable; and
387			······································
888		vii)	The estimated quantity and disposition of recovered
389		,	material that resulted from the incident.
390			ANALYSIS CONTRACTOR OF THE CON
391	(Source: Amended a	at 32 III	. Reg, effective)
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893	Section 739.1	155 An	alvsis P	'lan
894			<i>J</i>	
895 896 897 898 899	written analys	sis plan of Secti	describ on 739.	ed oil processing or re-refining facility must develop and follow a ing the procedures that will be used to comply with the analysis 153 and, if applicable, Section 739.172. The owner or operator ility.
900 901 902	a)		_	esumption for used oil in Section 739.153. At <u>a</u> minimum, the plan the following:
903 904		1)		her sample analyses or knowledge of the halogen content of the used l be used to make this determination;
905 906 907		2)		ple analyses are used to make this determination, the following ements must be fulfilled:
908				
909			A)	The sampling method used to obtain representative samples to be
910				analyzed. A representative sample may be obtained using either of
911				the following:
912				
913				i) One of the sampling methods in Appendix I of 35 Ill. Adm.
914 915				Code 721; or
916 917 918				ii) A method shown to be equivalent under 35 Ill. Adm. Code 720.120 and 720.121;
919 920			B)	The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
921 922			C	The mosths do you date analysis and all fauths are according to
922			C)	The methods used to analyze used oil for the parameters specified in Section 739.153; and
923 924				in Section 739.133, and
925		3)	The tw	pe of information that will be used to determine the halogen content
926		3)		used oil.
927			Of the	used on.
928	b)	On-sn	ecificati	on used oil fuel in Section 739.172. At a minimum, the plan must
929	0)	_		lowing if Section 739.172 is applicable:
930		specii.	, 1110 101	nowing it booken 755.172 to applicable.
931		1)	Wheth	er sample analyses or other information will be used to make this
932		-)		ination;
933				
934		2)	If sam	ple analyses are used to make this determination, the following must
935		•	be spec	•

936								
937		A)	The s	ampling me	thod used to	obtain rep	oresentative s	samples to be
938			analy	zed. A repr	esentative sa	ample may	be obtained	using either of
939			the fo	llowing:				_
940								
941			i)	One of the	e sampling r	nethods in	Appendix I	of 35 Ill. Adm.
942				Code 721	; or			
943								
944			ii)	A method	shown to be	e equivalei	nt under 35 Il	ll. Adm. Code
945				720.120 a	nd 720.121;			
946								
947		B)			will be sam	pled and a	nalyzed prior	to or after any
948			proce	ssing;				
949								
950		C)				-	med, and who	ether the
951			analys	sis will be p	erformed on	ı-site or of	f-site; and	
952					_			
953		D)			-	used oil fo	or the parame	ters specified
954			ın Sec	ction 739.17	2; and			
955	2)	cont (٠.	c .:		1.	a .a	. ~
956	3)					used to ma	ke the on-spe	ecification
957		usea c	il fuel o	determination	on.			
958	(C.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		4 2 2 TII	D	- CC4:		,	
959	(Source: Ar	nended a	t 32 III.	Reg.	, enecuve)	
960	Continu 720 150 NA	[amaaaa		Daaidaaa				
961 962	Section 739.159 M	lanagem	епт от 1	xesiques				
963	An owner or operate	or that as	nerates	reciduec fr	om the store	ge proces	sina or ra ra	finingra fining
964	of used oil must ma							mmig re minig
965	of used off filest file	nage me	icsiduc	s as specific	ed in Section	1 /39.110(-).	
966	(Source: Ar	nended a	+ 32 TII	Rea	effective)	
967	(Source, M	nondod a	ı <i>32</i> 111.	Keg	, CIICCIIVC)	
968	SURPAI	RT G · ST	rand 4	ARDS FOR	LISED OIL	BURNER	S THAT BU	RN
969					OIL FOR E			ICIA
970	011	51 2011	101111			THE T	LOUVERT	
971	Section 739.164 Us	sed Oil S	torage					
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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.

979	a)	Storage ı	ınits. A us	ed oil burner may not store used oil in units other than tanks,		
980		containe	rs, or units	subject to regulation under 35 Ill. Adm. Code 724 or 725.		
981						
982	b)	Condition of units. The following must be true of containers and aboveground				
983		tanks use	ed to store	used oil at a burner facility:		
984				·		
985		1) T	he contain	ers must be in good condition (no severe rusting, apparent		
986		•		efects or deterioration); and		
987				<i>"</i>		
988		2) T	he contain	ers may not be leaking (no visible leaks).		
989		,		3 (
990	c)	Secondar	v containn	nent for containers. Containers used to store used oil at a		
991	,		-	be equipped with a secondary containment system.		
992			,	1		
993		1) T	he seconda	ary containment system must consist of the following, at a		
994		•	ninimum:	y		
995						
996		A) Dike	s, berms, or retaining walls; and		
997			.,	o, ooma, or rouning humb, und		
998		В) A flo	oor. The floor must cover the entire area within the dike,		
999			*	a, or retaining wall.		
1000			00111	, or rotalining wall.		
1001		2) T	he entire c	ontainment system, including walls and floor, must be		
1002		•		impervious to used oil to prevent any used oil released into the		
1003			•	system from migrating out of the system to the soil,		
1004				or surface water.		
1005		6	ouna water	, or surface water.		
1006	d)	Secondar	v containn	nent for existing aboveground tanks. Existing aboveground		
1007	u)		-	used oil at burner facilities must be equipped with a secondary		
1008			ent system	- 11		
1009		Containin	ionic by blom	•		
1010		1) T	he seconda	ry containment system must consist of the following, at a		
1011		•	inimum:	a y contaminant system must consist of the following, at a		
1012		***				
1013		A) Both	of the following:		
1014		11	., 2001	of the following.		
1015			i)	Dikes, berms, or retaining walls; and		
1016			1)	Dixes, comis, or retaining wants, and		
1017			ii)	A floor. The floor must cover the entire area within the		
1017			11.)	dike, berm, or retaining wall except areas where existing		
1013				portions of the tank meet the ground; or		
1019				portions of the tank most the ground, of		
1020		В) Ane	quivalent secondary containment system.		
1041		D	,	quivalent scoomaa y contamment system.		

to the

1022				
1023		2)	The e	entire containment system, including walls and floor, must be
1024			suffic	ciently impervious to used oil to prevent any used oil released into the
1025			conta	inment system from migrating out of the system to the soil,
1026			groui	ndwater, or surface water.
1027				
1028	e)	Seco	ndary c	ontainment for newexisting aboveground tanks. A new aboveground
1029		tank	used to	store used oil at burner facilities must be equipped with a secondary
1030		conta	ainment	system.
1031				
1032		1)	The s	secondary containment system must consist of the following, at a
1033		ĺ	minii	· · · · · · · · · · · · · · · · · · ·
1034				
1035			A)	Both of the following:
1036			,	
1037				i) Dikes, berms, or retaining walls; and
1038				, · · · · · · · · · · · · · · · ·
1039				ii) A floor. The floor must cover the entire area within the
1040				dike, berm, or retaining wall; or
1041				
1042			B)	An equivalent secondary containment system.
1043			~)	The equitation secondary contaminant system.
044		2)	The e	entire containment system, including walls and floor, must be
045		-)		ciently impervious to used oil to prevent any used oil released into the
046				inment system from migrating out of the system to the soil,
047				ndwater, or surface water.
048			Broan	id water, or barrage water.
.049	f)	Labe	1s	
.050	1)	Duoc	10.	
.051		1)	A co.	ntainer or aboveground tank used to store used oil at a burner facility
.052		1)		be labeled or marked clearly with the words "Used Oil."
.053			must	be labeled of marked clearly with the words. Osed On.
.054		2)	Fill n	ipes used to transfer used oil into underground storage tanks at
.055		2)	_	er facilities must be labeled or marked clearly with the words "Used
.056			Oil."	racinties must be labeled of marked clearly with the words. Osed
.057			OII.	
.058	a)	Decn	once to	releases. Upon detection of a release of used oil to the environment
.059	g)	_		•
.060				bject to the federal requirements of subpart F of 40 CFR 280 and
				curred after October 4, 1996, a burner must perform the following
.061 .062		Cicali	up steps	o.
.063		DO 4	אור מם	TE: Corresponding 40 CED 270 64(a) applies to releases that
.064				TE: Corresponding 40 CFR 279.64(g) applies to releases that
.004		occi	mreu all	er the effective date of the authorized used oil program for the State

1000

1065	in whi	ch the release is located." The Board adopted the used oil standards in							
1066	docket	docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA							
1067	approv	approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective							
1068	Octobe	er 4, 1996. The Board has interpreted "the effective date of the authorized							
1069	used o	il program" to mean the October 4, 1996 date of federal authorization of the							
1070	Illinois	s program, and we substituted that date for the federal effective date							
1071		ige. Had USEPA written something like "the effective date of the used oil							
1072	progra	m in the authorized State in which the release is located," the Board would							
1073	have u	sed the November 22, 1993 effective date of the Illinois used oil standards.							
1074									
1075	1)	Stop the release;							
1076									
1077	- 2)	Contain the released used oil;							
1078									
1079	3)	Properly clean up and manage the released used oil and other materials;							
1080		and							
1081									
1082	4)	If necessary, repair or replace any leaking used oil storage containers or							
1083		tanks prior to returning them to service.							
1084									
1085	(Source: Ame	ended at 32 Ill. Reg, effective)							

* C. *