

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED AMENDMENTS TO THE)
BOARD'S SPECIAL WASTE)
REGULATIONS CONCERNING)
USED OIL, 35 ILL. ADM. CODE 808, 809)

ORIGINAL PC#70

R06-20
(Rulemaking -Land)

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PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S POST HEARING COMMENTS, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Stephanie Flowers
Stephanie Flowers
Assistant Counsel
Division of Legal Counsel

DATE: 12-15-08
1021 North Grand Avenue East
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**THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S
POST-HEARING COMMENTS**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by and through one of its attorneys, Stephanie Flowers, and respectfully submits the following post-hearing comments in the above-entitled matter to the Illinois Pollution Control Board ("Board"). The Illinois EPA appreciates this opportunity to supplement its comments and testimony already filed in this matter and presented during the public hearings held.

I. INTRODUCTION

The Board's first notice proposal allows used oil as defined by 35 Ill. Adm. Code 739 ("Part 739") to be exempt from the manifest and hauling permit requirements of 35 Ill. Adm. Code 808 and 809 ("Parts 808 and 809"). As defined in Part 739, used oil is oil that has been used and has been contaminated through use. Other special wastes that are added to used oil after it has been generated, that are not themselves used oil, do not become used oil, but become regulated as used oil because they contain used oil. These other special wastes may exhibit characteristics different from used oil and may need to be managed differently when separated from used oil. Therefore, the Illinois EPA believes these other special wastes, unless otherwise exempt, must be subject to the manifesting and permitting requirements of Parts 808 and 809.

Since the Board's first notice proposal did not allow post-use mixtures of used oil and other special waste to be exempt from the manifest and hauling requirements, NORA is requesting that the manifest exemption and permit hauling exemption be extended to four categories of post-use mixtures of used oil and other special waste that are regulated by Part 739. The Illinois EPA believes that only used oil as defined in and managed in accordance with Part 739 and not materials subject to regulation as used oil by Part 739 should be exempt from the requirements of Parts 808 and 809 regarding manifests, hauling permits and facility permits requiring local siting under 35 Ill. Adm. Code 807. There are two main reasons for this decision: to encourage proper recycling and to insure proper management of wastes that are added to used oil. The Illinois EPA believes it is likely that other waste added in to the used oil will not be recycled, but will be burned with the used oil or treated in a waste water treatment unit. Limiting the manifest exemption to used oil as defined in and managed in accordance with Part 739, as the Illinois EPA has proposed, encourages the generator to keep waste streams separate for appropriate management and recycling. Therefore, the Illinois EPA objects to NORA's proposed four broad categories of mixtures being included in the manifest and hauling permit exemption set forth in the Board's first notice proposal.

NORA also proposed adding language to the tracking requirements of Part 739. The language would require Part 739 tracking documents to be analogous to a manifest without the requirement of the document being the uniform hazardous waste manifest prescribed by the Illinois EPA. Since the Illinois EPA believes only used oil as defined in and managed in accordance with Part 739 should be allowed a manifest exemption, the current tracking requirements of Part 739 are sufficient. Therefore, the Illinois EPA objects to amending the Part 739 tracking requirements.

II. POST-USE MIXTURES

Of the four categories of post-use mixtures of used oil and other special waste identified by NORA in their proposal, the generator may already be entitled to the manifest exemption and hauling permit exemption set forth in the Board's first notice proposal. The Illinois EPA believes there may be some confusion on NORA's part about which wastes would be exempt from manifests under the language in the Board's first notice proposal.

The Board's proposed language in the first notice exempts all used oil as defined in and managed in accordance with Part 739 regardless of water content. In addition, it is the Illinois EPA's position that small quantity wastes that are exempt from manifesting before mixture with used oil would remain exempt under the Board's first notice proposal pursuant to 35 Ill. Adm. Code 809.210 and that used oil collected from waste water treatment units would be exempt under the Board's first notice proposal pursuant to USEPA's clarification letter dated March 22, 1994 and attached hereto as Attachment #1.

There are currently manifest exemptions in place for both hazardous waste and non-hazardous special waste. It is the Illinois EPA's position that if a manifest exempt waste is mixed with used oil as defined in Part 739 (that would now be exempt from manifests under the Board's first notice proposal) the mixing of two manifest exempt wastes together would not make the resulting mixture subject to manifest.

A. CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR HAZARDOUS WASTE

Used oil that is mixed with conditionally exempt small quantity generator hazardous waste may be cutting oil or other types of oil that was contaminated by use but

contains mostly water and trace amounts of oil. Therefore the resulting mixture will behave more like a mixture of the small quantity generator hazardous waste, or water, rather than oil.

Since conditionally exempt small quantity generator hazardous waste is exempt from manifests pursuant to 35 Ill. Adm. Code 721.105, when mixed with used oil as defined in and managed in accordance with Part 739 (that would now be exempt from manifests under the Board's first notice proposal) the resulting mixture will be manifest exempt. However, if the conditionally exempt small quantity generator hazardous waste is mixed with waste other than used oil as defined in Part 739, the resulting mixture may need to be managed at a permitted special waste facility and manifested in accordance with Part 809.

Additionally, it is possible that a small quantity generator of hazardous waste and a small quantity generator of non-hazardous special waste could mix the two together and become a large quantity generator of hazardous waste or a large quantity generator of non-hazardous special waste. Regulations are already in place to address this issue and the Illinois EPA does not believe it is appropriate to modify the hazardous waste and special waste determination regulations or large quantity generator status regulations through a used oil manifest exemption.

B. CHARACTERISTIC HAZARDOUS WASTE

Used oil that is mixed with characteristic hazardous waste may be cutting oil or other types of oil that was contaminated by use but contains mostly water and trace

amounts of oil. Therefore the resulting mixture will behave more like a mixture of the characteristic hazardous waste, or water, rather than oil.

Characteristic hazardous waste becomes exempt from RCRA and regulated under the used oil regulations when mixed with used oil defined in Part 739 to the extent that the characteristic is extinguished. However, because the characteristic hazardous waste is not subject to a manifest exemption prior to being mixed with the used oil, the resulting mixture will be exempt under RCRA but will be subject to the special waste regulations including the manifest and hauling permit requirements of Parts 808 and 809 and the facility permit requirements of 35 Ill. Adm. Code 807.

NORA argues that the federal regulations allow some quantity of hazardous waste when mixed with used oil to be regulated as used oil. Previous testimony by the Illinois EPA points out the USEPA acknowledged that individual states may impose more stringent standards than the federal requirements. The State of Illinois has chosen to implement a special waste program to ensure that these wastes are managed properly at a permitted facility that is subject to local siting.

C. FUELS

The Illinois EPA's position is that unused fuels in used oil are not a special waste because they are presumed to be going for burning (the original intended use) and are therefore not disposed. Unused fuel would include off-spec fuel, such as fuel removed during aircraft maintenance or fuel contaminated with water. Fuels would not be subject to special waste manifesting but would be subject to Part 739 when mixed with used oil.

However, the latest proposed language by NORA expands the exemption beyond fuels to include normal components of fuel. Fuel components include the same chemicals that are used as fuel additives, in small amounts, but could be placed in the used oil in high concentrations and could have been used as a solvent before they were mixed with the oil. A mixture of this type may contain used oil as defined in Part 739 but will be mostly water combined with spent solvent or some other contaminated chemical. The resulting mixture may not have the same chemical or physical properties as the normal used oil stream and should only be managed at a facility that can manage the waste appropriately which the Illinois EPA believes is a properly permitted special waste facility.

USEPA has already explained that even petroleum based wastes are not used oil if they were not used as a lubricant. They indicate that the contaminants resulting from the use for some other activity such as a solvent may result in contaminants not normally associated with used oil. See Attachment #2 as an example of USEPA's position. The petroleum based solvent in this USEPA example would be considered a normal component of fuel under NORA's proposal as "normal component of fuel" has not been defined in the proposal.

D. WASTEWATER

The Illinois EPA's position is that wastewater that is mixed with used oil through use or unintentional contamination during collection or storage by the generator is subject to Part 739 and should be allowed a special waste manifesting exemption. However, the IEPA believes that there are possibly only a few scenarios where a special waste

manifesting exemption would apply. One is cutting fluids that contain a lot of water, the second is used oil that contains water due to storage contamination, and the third is recovery of used oil spills.

In contrast NORA's proposal would exempt mixtures of wastewater with de minimis amounts of used oil. The proposal does not identify the amount of oil that must be in the waste water to allow the waste stream to be manifest exempt. NORA testified that the de minimis, or recoverable amount of oil is different for different receiving facilities. (See October 1, 2008 Hearing Transcript Page 85 Line 17 through Page 87 Line 4). Therefore the generator would need to know the location and processing abilities of the receiving facility to determine if the manifest exemption applies to the used oil mixture. Also, NORA's proposed exemption does not require the wastewater to be in the used oil as a result of the use of the used oil. Therefore the source of the wastewater is limitless and the receiving facility would have no idea of what chemical constituents would be in the waste water.

Illinois EPA is concerned that NORA's proposal may encourage mismanagement of other waste added to used oil. The language of the exemption fails to exclude other waste from the exemption if added to the recyclable oil for the sole purpose of disposing of the other waste. This will encourage the addition of other wastes to the used oil which, according to NORA's witnesses, will either be discharged through a wastewater treatment system or burned along with the used oil, regardless if that is the appropriate way to manage the waste. (See October 1, 2008 Hearing Transcript Page 32 Line 19 through Page 33 Line 8, Page 41 Lines 2-6, and Page 42 Lines 17-24). Previous testimony by the Illinois EPA stated that it is not the Illinois EPA's

desire or the intent of the used oil regulations to encourage the mixing of other wastes with the used oil, but to recycle each waste stream separately. The wording in the most recent NORA proposal does not sufficiently address these concerns.

The Illinois EPA would also like to point out that USEPA does not encourage the mixture of used oil and other waste. The Illinois EPA in previous testimony identified portions of the federal register where USEPA discouraged the mixing of other wastes or products with used oil. USEPA has also developed guidance that clearly encourages used oil generators to keep their used oil separate from other wastes. (See USEPA fact sheets attached hereto as Attachment #3 and Attachment #4). It should also be noted that the reason the management standards at Part 739 require used oil tanks, containers, and fill pipes to be clearly marked with the words "used oil" is to prevent the accidental dumping of other wastes into the used oil. For these reasons the Illinois EPA believes the mixing of used oil with other special waste should not be encouraged by providing a manifest exemption as an incentive to mix these wastes.

Mixtures of used oil and other wastes may change the characteristics of the mixture and the mixture should be re-evaluated after mixing. It is the position of the Illinois EPA that in each individual case, before mixing the generator should determine if each waste stream is subject to manifesting. If any of the waste streams are subject to manifest before mixing, the resulting mixture is subject to manifesting. If mixing the waste streams together changes the characteristics of the waste, the mixing activity is treatment and the generator must re-evaluate the resulting waste stream and manage it in accordance with the applicable regulations. The Illinois EPA believes the current criteria for exemption should remain dependent on the quantity and characteristics of the waste both before and after mixing.

In sum, it is the Illinois EPA's position that mixtures of used oil and other wastes that do not meet the definition of used oil in Part 739, that are not otherwise exempt from manifests according to the special waste or hazardous waste regulations, and which are intentionally added to the used oil after it is generated, would not be exempt from manifesting and hauling permits under the Board's first notice proposal language and the Illinois EPA remains opposed to the exemption of such mixtures from manifesting and hauling permits. Mr. Ray, in his testimony indicated that about fifty percent of his company's customers are automotive customers and fifty percent of the automotive customers are conditionally exempt small quantity generators. (See October 1, 2008 Hearing Transcript Page 52 Lines 1-7). Considering this testimony, the current available manifest exemptions and the manifest exemption for used oil included in the Board's first notice proposal, the Illinois EPA believes that most used oil and appropriate used oil mixtures will be exempt from manifests if the language in the Board's first notice proposal is adopted.

III. COSTS OF PROPOSED MANIFEST EXEMPTION

NORA argues that the purpose of its new proposal is to rid the used oil collection system of duplicate paperwork. NORA's witnesses stated during the October 1, 2008 hearing that the DOT requirements must be satisfied by a completely separate document, when in fact they can be satisfied by the manifest. (See October 1, 2008 Hearing Transcript Page 17 Lines 3-12, Page 20 Lines 13-17, Page 69 Lines 10-17, and Page 144 Lines 14-18.) Please see Attachment #5 for a statement at DOT's website stating that a DOT document does not have to be a separate piece of paper in addition to a manifest.

NORA proposes amending the Part 739 tracking requirements to include all the information the Illinois EPA or Board deems necessary to track the shipments to the used oil recycler and to require the tracking and recordkeeping for the generators, transporters, and receiving facilities. This would effectively be a free form manifest that would contain all the information and be subject to all of the recordkeeping requirements of a manifest, without the prescribed form of a uniform hazardous waste manifest. However, the Illinois EPA believes that NORA's new proposal would actually create additional paperwork and burdensome testing for the generators of used oil.

NORA's proposal would require the generator to determine the percent water, BTU value and amount of recoverable oil in certain mixtures before they would be able to use the manifest exemption. The generator would need to keep records of this testing to be used to support their determination. NORA's proposal would also require specific test methods for determining percent water and BTU content. Without these standardized test methods, it will be difficult for the Illinois EPA to determine compliance with the manifest exemption. Different sampling and test methods may produce different results and may vary in cost. Without specifying sampling and test methods, other factors beyond appropriateness of the method may be the incentive for the generator in choosing a method.

Mr. Lenz testified that the generator could get some of the required information from Material Safety Data Sheets ("MSDS"). (See October 1, 2008 Hearing Transcript Page 63 Lines 18-22). However, none of this information is required by law to be placed on the MSDS and there is no governing body that routinely polices the accuracy of MSDS. (See 29 CFR 1910.1200(g) which identifies the information required on an MSDS). In addition, the MSDS only identifies contents of the product before use. Therefore, even if the MSDS information is

available, in many instances the generator would be forced to conduct testing to determine the post-use percentage of water, BTU value and amount of recoverable oil.

In addition to the testing and supporting documentation, the generator would also be required to keep copies of the new free form manifest proposed by NORA. In contrast, in the Board's first notice proposal, generators that were eligible for the used oil manifest exemption would only be subject to the current used oil tracking requirements which do not require generators to keep records.

Furthermore, NORA members that testified on this proposal at the October 1, 2008 hearing were exclusively used oil transporters, transfer facilities and marketers. The generators, smaller transporters, Illinois processors and permitted special waste treatment facilities that are currently permitted to take post-use mixtures were not represented and may not be aware of the changes NORA's proposal would require of them if adopted. The Illinois registered processors of used oil and the permitted special waste treaters who would receive the segregated special waste that is not used oil may prefer that the used oil and other special waste be kept separate for treatment.

NORA testified that the cost of preparing, storing and processing the manifest is currently estimated to be \$18/manifest. (See October 1, 2008 Hearing Transcript Page 176 Lines 1-7). If in fact NORA members made the changes discussed in the most recent hearing and added the manifest information and recordkeeping requirements into the proposal, the Illinois EPA believes the real cost savings considering the additional cost of preparing, storing and processing the freeform manifest would be less than \$18/manifest. And with the additional testing requirements, supporting documentation and freeform manifest retention for generators the cost to the used oil industry would actually increase.

Because of the reasons specified above the Illinois EPA objects to any other wastes besides used oil as defined in and managed in accordance with Part 739 being included in the manifest and hauling permit exemption set forth in the Board's first notice proposal, objects to amending the tracking requirements of Part 739, and recommends that the Board adopt the language of its first notice proposal.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Stephanie Flowers*
Stephanie Flowers
Assistant Counsel
Division of Legal Counsel

DATED: 12-15-08
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(217) 782-5544

CERTIFICATE OF SERVICE

I, STEPHANIE FLOWERS, an attorney, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S POST-HEARING COMMENTS and will cause the same to be served upon the following persons, by placing a true and correct copy in an envelope addressed to:

Dorothy Gunn, Clerk,
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

William Richardson, Chief Legal Counsel
Office of Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Matthew J. Dunn
Environmental Bureau Chief
Office of the Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
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205 South Fifth St., P.O. Box 2459
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Deirdre K. Hirner, Executive Director
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, Illinois 62701

and mailing it by First Class Mail from Springfield, Illinois on December 15, 2008 with sufficient postage affixed.


STEPHANIE FLOWERS

DATED: 12-15-08
1021 North Grand Avenue East
P.O. Box 19276
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9592.1994(02)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

March 22, 1994

Mr. Gary F. Lindgren
Vice President, Environmental Compliance
Heritage Environmental Services, Inc.
7901 West Morris Street
Indianapolis, Indiana 46231

Dear Mr. Lindgren:

Thank you for your letters of August 6, 1993, and February 8, 1994, requesting clarification of the Environmental Protection Agency's (EPA) Recycled Used Oil Management Standards as they apply to wastewater treatment activities. I apologize for the delay in responding to your request.

As you correctly note in your letter, wastewater that contains used oil meets the §279.1 definition of used oil and is subject to regulation under the used oil management standards. You first ask whether the oil that is recovered from such wastewater during: a) treatment to meet a Clean Water Act (CWA) permit discharge limit; or b) a used oil recovery process, would also be considered used oil under §279.1. The answer in both cases is yes. Used oil that is recovered from wastewater during treatment to make the wastewater acceptable for discharge under a CWA permit is regulated as used oil. Similarly, oil recovered from wastewater generated during a used oil recovery process is also considered used oil for regulatory purposes.

Your second question is whether residues or sludges from CWA treatment of wastewater containing used oil is included in the definition of used oil. In technical amendments and corrections to the used oil rule, published on May 3, 1993, EPA clarified that used oil residues and sludges are subject to regulation under the used oil management standards. (58 FR 26422)

Finally, you ask whether EPA differentiates between a CWA

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wastewater treatment operation that includes oil/water separation and a used oil processing operation that includes CWA permitted oil/water separation. EPA specifically addressed this issue in recently issued amendments to the final used oil regulations. These amendments were signed by the EPA administrator on February 25, 1994, and have been sent to the Federal Register for publication. A pre-publication copy of the final rule is attached .

The attached final rule clarifies that separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge pursuant to a CWA discharge permit are not subject to the used oil processor standards, provided that the recovered used oil is not being sent to an off-site used oil burner (see §279.20(b)(2)(ii)(B)). As discussed in the attached preamble, under §279.20(b)(2)(ii)(B), oil/water separation activities conducted by a used oil processor (for purposes of wastewater discharge) on wastewater which has been generated by that processor are not subject to the Subpart F processor standards (see pg.38). In other words, EPA does not differentiate between oil/water separation activities conducted by used oil processors and oil/water separation activities undertaken by non-used oil processors. Provided that the wastewater is generated on-site, neither activity is subject to the used oil processor standards. However, as further clarified in the preamble, persons who perform oil/water separation activities on wastewater that is received from off-site would be considered used oil processors (see pg.39 of the attached).

You should note, however, that the Federal used oil regulations (including the amendments cited in this letter) are not currently in effect in States authorized to implement the hazardous waste program and will not become effective in such states until they are adopted as State law. Also, it is important to note that State regulations may be more stringent than Federal regulations. If you have any further questions, please contact Eydie Pines of my staff at (202) 260-3509.

Sincerely,
Michael Shapiro
Director
Office of Solid Waste

Attachment

RO 11818

Mr. Christopher Harris
Harris, Tarlow & Stonecipher
1439 West Babcock
Bozeman, Montana 59715

Dear Mr. Harris:

Thank you for your letter of September 17, 1998 requesting an interpretation of the federal used oil regulations. Based on subsequent conversations between you and my staff, you specifically asked whether a spent petroleum-based solvent that includes oily residues as a result of the solvent's use to clean machine parts would be regulated as used oil under 40 CFR Part 279. The Agency does not consider such spent petroleum-based solvent to be used oil and did not intend that it be regulated as such. Accordingly, when a petroleum-based solvent is spent (i.e., no longer possesses a solvent property) and/or is taken out of service, it becomes a waste subject to a hazardous waste determination (see 40 CFR 262.11). Generators may use their knowledge or testing to determine whether a waste is hazardous.

When the Agency promulgated the Used Oil Management Standards (57 FR 41566, September 10, 1992) it discussed its view that spent petroleum-based solvents are not included in the definition of used oil. Specifically, the preamble states: "(t)oday's definition (of used oil) does not include oil-based products used as solvents refined from crude oil or manufactured from synthetic materials. The Agency has always viewed petroleum-based solvents as wastes separate and distinct from used oil" (57 FR 41566 at 41574).

The Agency continues to view spent petroleum-based solvents as wastes separate and distinct from used oil, because the source of contamination in used petroleum-based solvents is difficult to determine. Petroleum-based solvents, for instance, are used as cleaning agents, degreasing fluids, and part-cleaning solvents in the automotive and vehicle maintenance industry, in metalworking operations, and in other similar applications. The process of removing oily residues from parts with a petroleum-based solvent not only removes the oily residues by chemically dissolving

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them, but it also may remove solids or other organic-based materials such as metal shavings, waste gasoline, polychlorinated biphenyls, pesticides, and chlorinated solvents.

Of course, spent petroleum-based solvents that are intentionally mixed with batches of used oil (to make fuel oils, for example) can be regulated as used oil as provided in 40 CFR 279.10(b). It is important to note, however, that even though a solvent may be ignitable-only or non-hazardous prior to use, once the solvent has been used, it may contain other hazardous contaminants as a result of that usage. Therefore, a hazardous waste determination would be required prior to mixing spent solvents with batches of used oil.

Finally, it is also important to note, that EPA regional offices and states authorized to implement the RCRA program make determinations regarding the requirements that apply in specific situations. Also, some states have programs that are more stringent than the federal hazardous waste and used oil programs. If you have any further questions regarding the federal used oil regulations, please contact Mike Svizzero of my staff at (703) 308-0046.

Sincerely,

Stephen Heare, Acting Director
Permits and State Programs Division

RO 14396



<http://www.epa.gov/osw/conserva/materials/usedoil/usedoil.htm#standards>

Last updated on Friday, December 12th, 2008.

Wastes - Resource Conservation - Common Wastes & Materials

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[Used Oil Management Program](#) [Publications](#) Managing Used Oil: Advice for Small Businesses

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Managing Used Oil: Advice for Small Businesses

- [What is Used Oil?](#)
- [How is Used Oil Recycled?](#)
- [Does My Business Handle Used Oil?](#)
- [What Standards Should My Business Follow?](#)
- [How Should My Business Manage Used Oil Filters?](#)
- [How Can My Business Avoid Costly Cleanups?](#)
- [What Else Can My Business Do to Conserve Oil?](#)
- [Supporting Documents](#)

This fact sheet contains valuable information for businesses such as service stations, fleet maintenance facilities, and "quick lube" shops that generate and handle used oil. It summarizes the U.S. Environmental Protection Agency's (EPA's) used oil management standards--a set of "good housekeeping" requirements for used oil handlers. These requirements are detailed in Title 40 of the Code of Federal Regulations (CFR) Part 279. Small businesses should also refer to EPA's Emergency Response Division's Information Line at 202 260-2342 for information on how to manage spills.



What is Used Oil?

EPA's regulatory definition of used oil is as follows: Used oil is 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. Simply put, used oil is exactly what its name implies—any petroleum-based or synthetic oil that has been used. During normal use, impurities such as dirt, metal scrapings, water, or chemicals can get mixed in with the oil, so that in time the oil no longer performs well. Eventually, this used oil must be replaced with virgin or re-refined oil to do the job at hand EPA's used oil management standards include a three-pronged approach to determine if a substance meets the definition of used oil. To meet EPA's definition of used oil, a substance must meet each of the following three criteria:

- **Origin** — the first criterion for identifying used oil is based on the origin of the oil. Used oil must have been refined from crude oil or made from synthetic materials. Animal and vegetable oils are excluded from EPA's definition of used oil.
- **Use** — the second criterion is based on whether and how the oil is used. Oils used as

lubricants, hydraulic fluids, heat transfer fluids, buoyants, and for other similar purposes are considered used oil. Unused oil such as bottom clean-out waste from virgin fuel oil storage tanks or virgin fuel oil recovered from a spill, do not meet EPA's definition of used oil because these oils have never been "used." EPA's definition also excludes products used as cleaning agents or solely for their solvent properties, as well as certain petroleum-derived products like antifreeze and kerosene.

- **Contaminants** — the third criterion is based on whether or not the oil is contaminated with either physical or chemical impurities. In other words, to meet EPA's definition, used oil must become contaminated as a result of being used. This aspect of EPA's definition includes residues and contaminants generated from handling, storing, and processing used oil. Physical contaminants could include metal shavings, sawdust, or dirt. Chemical contaminants could include solvents, halogens, or saltwater.

Table of What Used Oil Is and Is Not

Used Oil Is:*

- Synthetic oil — usually derived from coal, shale, or polymer-based starting material.
- Engine oil — typically includes gasoline and diesel engine crankcase oils and piston-engine oils for automobiles, trucks, boats, airplanes, locomotives, and heavy equipment.
- Transmission fluid.
- Refrigeration oil.
- Compressor oils.
- Metalworking fluids and oils.
- Laminating oils.
- Industrial hydraulic fluid.
- Copper and aluminum wire drawing solution.
- Electrical insulating oil.
- Industrial process oils.
- Oils used as buoyants.

Used Oil Is Not:

- Waste oil that is bottom clean-out waste from virgin fuel storage tanks, virgin fuel oil spill cleanups, or other oil wastes that have not actually been used.
- Products such as antifreeze and kerosene.
- Vegetable and animal oil, even when used as a lubricant.
- Petroleum distillates used as solvents.

Oils that do not meet EPA's definition of used oil can still pose a threat to the environment when disposed of and could be subject to the RCRA regulations for hazardous waste management.

*** This list does not include all types of used oil.**

How is Used Oil Recycled?

Once oil has been used, it can be collected, recycled, and used over and over again. An estimated 380 million gallons of used oil are recycled each year. Recycled used oil can sometimes be used again for the same job or can take on a completely different task. For example, used motor oil can be re-refined and sold at the store as motor oil or processed for furnace fuel oil. Aluminum rolling oils also can be filtered on site and used over again.

Used Oil Can Be Recycled in the Following Ways

- Reconditioned on site, which involves removing impurities from the used oil and using it again. While this form of recycling might not restore the oil to its original condition, it does prolong its life.
- Inserted into a petroleum refinery, which involves introducing used oil as a feedstock into either the front end of the process or the coker to produce gasoline and coke.
- Re-refined, which involves treating used oil to remove impurities so that it can be

used as a base stock for new lubricating oil. Re-refining prolongs the life of the oil resource indefinitely. This form of recycling is the preferred option because it closes the recycling loop by reusing the oil to make the same product that it was when it started out, and therefore uses less energy and less virgin oil.

- Processed and burned for energy recovery, which involves removing water and particulates so that used oil can be burned as fuel to generate heat or to power industrial operations. This form of recycling is not as preferable as methods that reuse the material because it only enables the oil to be reused once. Nonetheless, valuable energy is provided (about the same as provided by normal heating oil).

Recycling Used Oil Is Good for the Environment and the Economy - Here's Proof

- Re-refining used oil takes only about one-third the energy of refining crude oil to lubricant quality.
- It takes 42 gallons of crude oil, but only one gallon of used oil, to produce 2 ½ quarts of new, high-quality lubricating oil.
- One gallon of used oil processed for fuel contains about 140,000 British Thermal Units (BTUs) of energy.

Does My Business Handle Used Oil?

The following paragraphs describe different types of businesses that handle used oil.

- **Generators** are businesses that handle used oil through commercial or industrial operations or from the maintenance of vehicles and equipment. Generators are the largest segment of the used oil industry. Examples of common generators are car repair shops, service stations, quick lube shops, government motor pools, grocery stores, metal working industries, and boat marinas. Farmers who produce less than an average of 25 gallons of used oil per month are excluded from generator status. Individuals who generate used oil through the maintenance of their personal vehicles and equipment are not subject to regulation under the used oil management standards.
- **Collection centers and aggregation points** are facilities that accept small amounts of used oil and store it until enough is collected to ship it elsewhere for recycling. Collection centers typically accept used oil from multiple sources that include both businesses and individuals. Aggregation points collect oil only from places run by the same owner or operator and from individuals.
- **Transporters** are companies that pick up used oil from all sources and deliver it to re-refiners, processors, or burners. Transfer facilities include any structure or area where used oil is held for longer than 24 hours, but not longer than 35 days. Examples of transfer facilities are loading docks and parking areas.
- **Re-refiners and processors** are facilities that blend or remove impurities from used oil so that it can be burned for energy recovery or reused. Included in this category are re-refiners who process used oil so that it can be reused in a new product such as a lubricant and recycled again and again. EPA's management standards primarily focus on this group of used oil handlers.
- **Burners** burn used oil for energy recovery in boilers, industrial furnaces, or in hazardous waste incinerators.
- **Marketers** are handlers who either a) direct shipments of used oil to be burned as fuel in regulated devices or, b) claim that certain EPA specifications are met for used oil to be burned for energy recovery in devices that are not regulated. They also sometimes help move shipments of used oil to burners. By definition, marketers must also fall into at least one of the above categories.

What Standards Should My Business Follow?

If your business generates or handles used oil, there are certain good housekeeping practices that you must follow. These required practices, called "management standards," were

developed by EPA for businesses that handle used oil. The management standards are common sense, good business practices designed to ensure the safe handling of used oil, to maximize recycling, and to minimize disposal. The standards apply to all used oil handlers, regardless of the amount of the oil they handle. Although different used oil handlers may have specific requirements, the following requirements are common to all types of handlers. These requirements relate to storage and to cleaning up leaks and spills, as follows.

- Label all containers and tanks as Used Oil.
- Keep containers and tanks in good condition. Don't allow tanks to rust, leak, or deteriorate. Fix structural defects immediately.
- Never store used oil in anything other than tanks and storage containers. Used oil may also be stored in units that are permitted to store regulated hazardous waste. Tanks and containers storing used oil do not need to be RCRA permitted, however, as long as they are labeled and in good condition. Storage of used oil in lagoons, pits, or surface impoundments that are not permitted under RCRA is prohibited.

Oil Leaks and Spills

- Take steps to prevent leaks and spills. Keep machinery, equipment containers, and tanks in good working condition and be careful when transferring used oil. Have sorbent materials available on site.
- If a spill or leak occurs, stop the oil from flowing at the source. If a leak from a container or tank can't be stopped, put the oil in another holding container or tank.
- Contain spilled oil. For example, containment can be accomplished by erecting sorbent berms or by spreading a sorbent over the oil and
- Clean up the oil and recycle the used oil as you would have before it was spilled. If recycling is not possible, you first must make sure the used oil is not a hazardous waste and dispose of it appropriately. All used cleanup materials, from rags to sorbent booms, that contain free-flowing used oil also must be handled according to the used oil management standards. Remember, all leaked and spilled oil collected during cleanup must be handled as used oil. If you are a used oil handler, you should become familiar with these cleanup methods. They may also be part of a spill response action plan.
- Remove, repair, or replace the defective tank or container immediately.

Record Keeping

EPA uses 12-digit identification (ID) numbers to track used oil. Transporters hauling used oil must have a valid EPA ID number, and generators, collection centers, and aggregation points must use transporters with EPA ID numbers for shipping used oil off site. If you need an ID number, contact your EPA regional office or your state director. Generators, collection centers, aggregation points, and any handler that transports used oil in shipments of less than 55 gallons do not need an ID number, but may need a state or local permit.

Used oil transporters, processors, burners, and marketers also must record each acceptance and delivery of used oil shipments. Records can take the form of a log, invoice, or other shipping document and must be maintained for three years. Re-refiners, processors, transfer facilities, and burners must have secondary containment systems (e.g., oil-impervious dike, berm, or retaining wall and a floor) so that oil can not reach the environment in the event of a leak or spill. EPA also encourages generators to use a secondary containment system to prevent used oil from contaminating the environment.

Burners of used oil that meets a certain set of quality standards called the used oil specifications are not regulated under the used oil management standards, as long as the used oil is burned in appropriate boilers, furnaces, or incinerators.

Know and understand your state regulations governing the management of used oil they

might be stricter than EPA's. Contact your state or local environmental agency to determine your best course of action.

Mixing Used Oil and Hazardous Waste

In addition to EPA's used oil management standards, your business may be required to comply with federal and state hazardous waste regulations if your used oil becomes contaminated from mixing it with hazardous waste. If used oil is mixed with hazardous waste, it probably will have to be managed as a hazardous waste. Hazardous waste disposal is a lengthy, costly, and strict regulatory process. The only way to be sure your used oil does not become contaminated with hazardous waste is to store it separately from all solvents and chemicals and not to mix it with anything.

How Should My Business Manage Used Oil Filters?

The Filter Manufacturers' Council maintains a regulatory hotline and database to encourage the proper management of used oil filters. By calling the hotline at 800 99-FILTER, you can access the proper management requirements for your particular states. The database contains:

- Overviews of federal and state regulations relevant to the management of oil filters.
- Addresses and phone numbers of the regulatory agencies governing the management of used filters in each state.
- A listing of companies, by state, that transport, process, and recycle used filters.

How Can My Business Avoid Costly Cleanups?

Meeting the following conditions relieves service station dealers from responsibility for costly cleanups and liabilities associated with off-site handling of used oil. To meet these conditions, service stations must:

1. Comply with the management standards described above;
2. Do not mix used oil with any hazardous substance; and
3. Accept used oil from Do-it-yourselfers (DIYs) and send it for recycling.

Recommended Cleanup Practices

EPA recommends, but does not require, the following cleanup practices for used oil handlers: (1) maximize the recovery of used oil; (2) minimize the generation of used oil sorbent waste by choosing reusable sorbent materials; (3) use the spent sorbent materials to produce recycled sorbent materials; and (4) buy sorbent materials with recycled content.

Extraction devices (e.g., centrifuges, wringers, and compactors) can be used to recover used oil from reusable sorbent materials. Sorbent pads can be reused between two and eight times depending on the viscosity of the used oil. These technologies, while not required, can be used to reduce the number of sorbent pads ultimately sent for remanufacture, energy recovery, or disposal. The potential to reduce waste and save money (i.e., lower disposal costs for spent pads and lower per use cost of sorbent pads) by reusing and recycling sorbent pads can be substantial.

Managing Cleanup Materials

If you have used oil on rags or other sorbent materials from cleaning up a leak or spill, you should remove as much of the free-flowing oil as possible and manage the oil as you would have before it spilled. Once the free-flowing used oil has been removed from these materials, they are not considered used oil and may be managed as solid waste as long as they do not

exhibit a hazardous waste characteristic. Note, however, that materials from which used oil has been removed continue to be regulated as used oil if they are to be burned for energy recovery (regardless of the degree of removal).

What Else Can My Business Do to Conserve Oil?

- Minimize the amount of used oil you produce. The less used oil that is produced in the first place, the less that ultimately has to be handled. Businesses can filter, separate, and recondition used oil to prolong its usable life.
- Purchase re-refined used oil products instead of virgin oil products. Re-refined oil works just as well as virgin oil. Products that display the American Petroleum Institute (API) "starburst" meet the same high-quality specifications as virgin oil.
- Practice safe management of used oil. Don't mix used oil with anything. Always store used oil in leak-proof containers that are in secure areas safely away from workers and the environment. Send used oil to a re-refiner whenever possible.

Document

- [Managing Used Oil: Advice for Small Businesses \(PDF\)](#) (4 pp, 73K, [About PDF](#)) | [Text Version \(text file\)](#)



<http://www.epa.gov/osw/conserves/materials/usedoil/index.htm>

Last updated on Friday, December 12th, 2008.

Wastes - Resource Conservation - Common Wastes & Materials

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Used Oil Management Program

Used oil is exactly what its name implies, any petroleum-based or synthetic that has been used. During normal use, impurities such as dirt, metal scrapings, water or chemicals, can get mixed in with the oil, so that in time, the oil no longer performs well. Eventually, this used oil must be replaced with virgin or re-refined oil to do the job correctly.

If you are one of the many people who change their own motor oil, you too need to know how to properly dispose of the used oil. Did you know that the used oil from one oil change can contaminate 1 million gallons of fresh water - a years' supply for 50 people!

- Used motor oil is insoluble, persistent and can contain toxic chemicals and heavy metals.
- It's slow to degrade.
- It sticks to everything from beach sand to bird feathers.
- It's a major source of oil contamination of waterways and can result in pollution of drinking water sources.

On average, about four million people reuse motor oil as a lubricant for other equipment or take it to a recycling facility.



- Recycled used motor oil can be re-refined into new oil, processed into fuel oils and used as raw materials for the petroleum industry.
- One gallon of used motor oil provides the same 2.5 quarts of lubricating oil as 42 gallons of crude oil.

Become used motor oil recycler number four million and one!

- [Begin recycling your used motor oil today.](#)
- If all the oil from American do-it-yourself oil changers were recycled, it would be enough motor oil for more

Recycling your used motor oil is easy.

1. Do not spill any oil on the ground.
2. Put your used motor oil in a clean plastic container with a tight lid. Never store used oil in a container that once held chemicals, food, or beverages.
3. Do not mix the oil with anything else, such as antifreeze, solvent, or paint.
4. Take used motor oil to a service station or other location that collects used motor oil for recycling.

Public Service Campaign

The "You Dump It, You Drink It" campaign focuses on the proper management of used motor oil and includes a variety of free, printed information materials that are available in both Spanish and English.

Related Links

EPA's Comprehensive Procurement Guideline (CPG) Program: Rerefining Lubricating Oil

American Petroleum Institute Used Motor Oil Collection and Recycling Site [EXIT Disclaimer](#)

California Integrated Waste

than 50 million cars a year. Imagine how much foreign oil that would eliminate.

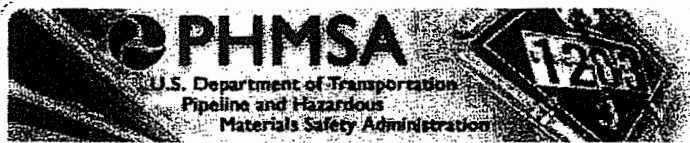
- Used motor oil from cars, trucks, boats, motorcycles, farm equipment and lawnmowers can be recycled and re-refined.

Management Board Used Oil
Recycling Program

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Hazardous Waste Manifest

Hazmat Term

A specific shipping document required by the USDOT and the EPA for hazardous waste shipments. Also referred to as the Uniform Hazardous Waste Manifest (UHW). If all USDOT requirements [i.e., the basic description (proper shipping name, hazard class/division, ID No., and packing group) are entered on the UHW, the manifest may be used as a shipping paper. (49 CFR § 172.205)

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