

3745-279-01

Definitions- ~~pertainin~~g to used oil management standards.

(A) For purposes of Chapter 3745-279 of the Administrative Code:

- (1) "Aboveground tank" means a tank used to store or process used oil that is not an "underground storage tank" as defined in Chapter 1301:7-9 of the Administrative Code.
- (2) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
- (3) "Do-it-yourselfer used oil collection center" means any site or facility that ~~accepts/aggregates~~accepts or aggregates and stores used oil collected only from household do-it-yourselfers.
- (4) "Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced, on or prior to October 20, 1998. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either:
 - (a) A continuous on-site installation program has begun, ~~or,~~
 - (b) The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for installation of the tank to be completed within a reasonable time.
- (5) "Household do-it-yourselfer used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of ~~their~~ personal vehicles.
- (6) "Household do-it-yourselfer used oil generator" means an individual who generates "household do-it-yourselfer used oil."
- (7) "New tank" means a tank ~~that will be~~ used to store or process used oil and for which installation ~~has~~ commenced after October 20, 1998.
- (8) "Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

- (9) "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to, blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.
- (10) "Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.
- (11) "Tank" means any stationary device, designed to contain an accumulation of used oil, which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.
- (12) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities.
- (13) "Used oil aggregation point" means any site or facility that accepts, aggregates, ~~and/or~~ stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than fifty-five gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.
- (14) "Used oil burner" means a facility where used oil that does not meet the specification requirements in rule 3745-279-11 of the Administrative Code is burned for energy recovery in devices identified in paragraph (A) of rule 3745-279-61 of the Administrative Code.
- (15) "Used oil collection center" means any site or facility that is registered with Ohio EPA to manage used oil and ~~accepts/aggregates~~ accepts or aggregates and stores used oil collected from used oil generators regulated under rules 3745-279-20 to 3745-279-24 of the Administrative Code ~~who bring that~~ brings used oil to the collection center in shipments of no more than fifty-five gallons under ~~the provisions of~~ rule 3745-279-24 of the Administrative Code. Used oil collection centers may also accept used oil from household do-it-yourselfers.
- (16) "Used oil fuel marketer" means any person who conducts either of the following activities:

- (a) Directs a shipment of off-specification used oil from ~~the~~the facility to a used oil burner; ~~or.~~
- (b) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications ~~set forth~~ in rule 3745-279-11 of the Administrative Code.
- (17) "Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.
- (18) "Used oil ~~processor/re-refiner~~processor or re-refiner" means a facility that processes used oil.
- (19) "Used oil transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than twenty-four hours and not longer than thirty-five days during the normal course of transportation or prior to an activity performed pursuant to paragraph (B)(2) of rule 3745-279-20 of the Administrative Code. Transfer facilities that store used oil for more than thirty-five days are subject to regulation under rules 3745-279-50 to 3745-279-59 of the Administrative Code.
- (20) "Used oil transporter" means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

(B) [Reserved.]

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3745-279-10

Applicability - recycled used oil management standards.

This rule identifies those materials which are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code. This rule also identifies some materials that are not subject to regulation as used oil under Chapter 3745-279 of the Administrative Code, and indicates whether these materials may be subject to regulation as hazardous waste under Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.

~~[Note: Ohio EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal.]~~

(A) Used oil. Ohio EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in rule 3745-279-11 of the Administrative Code, ~~the rules in~~ Chapter 3745-279 of the Administrative Code ~~apply~~applies to used oil, and to materials identified in this rule as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(B) Mixtures of used oil and hazardous waste.

(1) Listed hazardous waste.

(a) Except as provided in paragraphs (B)(2) and (B)(3) of this rule, mixtures of used oil and hazardous waste ~~that is~~ listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code are subject to regulation as hazardous waste under Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code, rather than as used oil under Chapter 3745-279 of the Administrative Code.

(b) Rebuttable presumption for used oil. Used oil ~~containing~~that contains more than one thousand parts per million (ppm) total halogens is presumed to be a hazardous waste because ~~it~~the used oil has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. Persons 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 the appendix to rule 3745-51-11 of the Administrative Code).

(i) The rebuttable presumption does not apply to metalworking ~~oils/ fluids containing~~oils or fluids that contain chlorinated paraffins, if ~~they~~such oils or fluids are processed, through a tolling arrangement

as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking ~~oils/fluids~~ oils or fluids. The presumption does apply to metalworking ~~oils/fluids~~ oils or fluids if such ~~oils/fluids~~ oils or fluids are recycled in any other manner, or disposed.

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

(2) Characteristic hazardous waste. Mixtures of used oil and hazardous waste that solely exhibit one or more of the hazardous waste characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code ~~and used oil~~, and mixtures of used oil and hazardous waste that is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code solely because ~~it~~ the listed hazardous waste exhibits one or more of the characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code ~~and used oil~~, are subject to one of the following:

- (a) Except as provided in paragraph (B)(2)(c) of this rule, regulation as hazardous waste under Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code rather than as used oil under Chapter 3745-279 of the Administrative Code, if the resultant mixture exhibits any characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code; ~~or.~~
- (b) Except as specified in paragraph (B)(2)(c) of this rule, regulation as used oil under Chapter 3745-279 of the Administrative Code, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under rules 3745-51-20 to 3745-51-24 of the Administrative Code.
- (c) Regulation as used oil under Chapter 3745-279 of the Administrative Code, if the mixture is of used oil and a waste which is hazardous solely because ~~it~~ the waste exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under rule 3745-51-21 of the Administrative Code.

- (3) ~~Conditionally exempt~~ Very small quantity generator hazardous waste. Mixtures of used oil and ~~conditionally exempt~~ very small quantity generator hazardous waste regulated under rule ~~3745-51-05~~ 3745-52-14 of the Administrative Code are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.

(C) Materials ~~containing~~ that contains or is otherwise contaminated with used oil.

- (1) Except as provided in paragraph (C)(2) of this rule, materials ~~containing~~ that contain or are otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material are both of the following:

- (a) ~~Are not~~ Not used oil and thus not subject to Chapter 3745-279 of the Administrative Code, ~~and~~.
- (b) If applicable, ~~are~~ subject to ~~the hazardous waste rules of~~ Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.

- (2) Materials ~~containing~~ that contain or are otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.

- (3) Used oil drained or removed from materials ~~containing~~ that contain or otherwise are contaminated with used oil is subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.

(D) Mixtures of used oil with products.

- (1) Except as provided in paragraph (D)(2) of this rule, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.

- (2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to Chapter 3745-279 of the Administrative Code once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to ~~the requirements of~~ rules 3745-279-20 to 3745-279-24 of the Administrative Code.

(E) Materials derived from used oil.

- (1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:
 - (a) Not used oil and thus are not subject to Chapter 3745-279 of the Administrative Code, ~~and,~~
 - (b) Not wastes and are thus not subject to ~~the hazardous waste regulations of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270~~ of the Administrative Code as provided in paragraph (C)(2)(a) of rule 3745-51-03 of the Administrative Code.
 - (2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.
 - (3) Except as provided in paragraph (E)(4) of this rule, materials derived from used oil that are disposed of or used in a manner constituting disposal are both of the following:
 - (a) Not used oil and thus are not subject to Chapter 3745-279 of the Administrative Code, ~~and,~~
 - (b) ~~Are wastes~~ Wastes and thus are subject to ~~the hazardous waste regulations of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270~~ of the Administrative Code if the materials are listed or identified as hazardous wastes.
 - (4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to Chapter 3745-279 of the Administrative Code.
- (F) Wastewater. Wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of Chapter 3745-279 of the Administrative Code. For purposes of this paragraph, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception ~~will~~ shall 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 Chapter 3745-279 of the Administrative Code~~. The used oil is subject to ~~the requirements of Chapter 3745-279 of the Administrative Code~~ 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 per cent 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 Chapter 3745-279 of the Administrative Code~~.
- (3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from ~~the requirements of Chapter 3745-279 of the Administrative Code~~ provided that the used oil constitutes less than one per cent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to ~~the requirements of Chapter 3745-279 of the Administrative Code~~.
- (4) Except as provided in paragraph (G)(5) of this rule, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from ~~the requirements of Chapter 3745-279 of the Administrative Code~~ only if the used oil meets the specifications of rule 3745-279-11 of the Administrative Code. Prior to insertion into the petroleum refining facility process, the used oil is subject to ~~the requirements of Chapter 3745-279 of the Administrative Code~~.
- (5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from ~~the requirements of Chapter 3745-279 of the Administrative Code~~. This exemption does not extend to used oil which 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 Chapter 3745-279 of the Administrative Code~~.

- (H) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to Chapter 3745-279 of the Administrative Code until ~~it~~ such used oil is transported ashore.
- (I) Used oil containing polychlorinated biphenyls (PCBs). Used oil ~~containing that contains~~ "PCBs," (as defined at 40 ~~CFR~~ C.F.R. 761.3), at any concentration less than fifty parts per million (ppm) is subject to ~~the requirements of~~ Chapter 3745-279 of the Administrative Code unless, because of dilution, ~~it~~ such used oil is regulated under 40 ~~CFR~~ C.F.R. Part 761 as a used oil ~~containing that contains~~ PCBs at fifty ppm or greater. PCB-containing used oil subject to ~~the requirements of~~ Chapter 3745-279 of the Administrative Code may also be subject to the prohibitions and requirements of 40 ~~CFR~~ C.F.R. Part 761, including 40 ~~CFR~~ C.F.R. 761.20(d) and 40 ~~CFR~~ C.F.R. 761.20(e). Used oil ~~containing that contains~~ PCBs at concentrations of fifty ppm or greater is not subject to ~~the requirements of~~ Chapter 3745-279 of the Administrative Code, but is subject to regulation under 40 ~~CFR~~ C.F.R. Part 761. No person may avoid these provisions by diluting used oil ~~containing that contains~~ PCBs, unless otherwise specifically provided for in Chapter 3745-279 of the Administrative Code or in 40 ~~CFR~~ C.F.R. Part 761.

~~[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]~~

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference".]

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3745-279-11

Used oil specifications.

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under Chapter 3745-279 of the Administrative Code unless it is shown not to exceed any of the allowable levels of the constituents and properties ~~in the specification shown in table 1 of the table in~~ shown in this rule. Once used oil that is to be burned for energy recovery has been shown not to exceed any ~~specification allowable level~~, and the person making that showing complies with rules 3745-279-72, 3745-279-73, and paragraphs (B) and (C) of rule 3745-279-74 of the Administrative Code, the used oil is no longer subject to Chapter 3745-279 of the Administrative Code.

~~Table 1:~~ Used Oil Not Exceeding Any Specification Allowable Level Shown In This Table Is Not Subject to Chapter 3745-279 of the Administrative Code 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

¹ ~~The specification does~~ allowable levels do not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste [see paragraph (B) of rule 3745-279-10 of the Administrative Code].

² Used oil containing more than one thousand parts per million (ppm) total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under paragraph (B)(1) of rule 3745-279-10 of the Administrative Code. Such used oil is subject to rules 3745-266-100 to 3745-266-112 of the Administrative Code rather than Chapter 3745-279 of the Administrative Code when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

[NoteComment 1: Applicable standards for the burning of used oil containing polychlorinated biphenyls (PCBs) are imposed by 40 CFR 761.20(e).]

[NoteComment 2: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-279-12 Prohibitions on used oil management.

- (A) Surface impoundment prohibition. Used oil must not be managed in surface impoundments or waste piles unless the units are subject to regulation under Chapters 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256 of the Administrative Code.
- (B) Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited.
- (C) Burning in particular units. Off-specification used oil fuel must be burned for energy recovery in only the following devices:
 - (1) Industrial furnaces identified in rule 3745-50-10 of the Administrative Code;
 - (2) Boilers, as defined in rule 3745-50-10 of the Administrative Code, that are identified as follows:
 - (a) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
 - (b) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
 - (c) Used oil-fired space heaters provided that the burner meets the provisions of rule 3745-279-23 of the Administrative Code.
 - (3) Hazardous waste incinerators subject to regulation under rules 3745-57-40 to 3745-57-51 or 3745-68-40 to 3745-68-52 of the Administrative Code.

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3745-279-20 Applicability of standards for used oil generators.

- (A) General. Except as provided in paragraphs (A)(1) to (A)(4) of this rule, rules 3745-279-20 to 3745-279-24 of the Administrative Code apply to all used oil generators. A used oil generator is any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.
- (1) Household "do-it-yourselfer" used oil generators. Household "do-it-yourselfer" used oil generators are not subject to regulation under Chapter 3745-279 of the Administrative Code.
 - (2) Vessels. Vessels at sea or at port are not subject to rules 3745-279-20 to 3745-279-24 of the Administrative Code. For purposes of rules 3745-279-20 to 3745-279-24 of the Administrative Code, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person(s) removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with rules 3745-279-20 to 3745-279-24 of the Administrative Code once the used oil is transported ashore. The co-generators may decide among them which party will fulfill the requirements of rules 3745-279-20 to 3745-279-24 of the Administrative Code.
 - (3) Diesel fuel. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to Chapter 3745-279 of the Administrative Code once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of rules 3745-279-20 to 3745-279-24 of the Administrative Code.
 - (4) Farmers. Farmers who generate an average of twenty five gallons per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of Chapter 3745-279 of the Administrative Code.
- (B) Other applicable provisions. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of Chapter 3745-279 of the Administrative Code as indicated in paragraphs (B)(1) to (B)(5) of this rule:
- (1) Generators who transport used oil, except under the self-transport provisions of paragraphs (A) and (B) of rule 3745-279-24 of the Administrative Code, shall also comply with rules 3745-279-40 to 3745-279-47 of the Administrative Code.
 - (2)

- (a) Except as provided in paragraph (B)(2)(b) of this rule, generators who process or re-refine used oil shall also comply with rules 3745-279-50 to 3745-279-59 of the Administrative Code.
- (b) Generators who perform the following activities are not processors provided that the used oil is generated on-site and is not being sent directly off-site to a burner of on- or off-specification used oil fuel:
 - (i) Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator;
 - (ii) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to Chapter 6111. of the Revised Code, section 402 or section 307(b) of the Clean Water Act, or other applicable federal or state regulations governing the management or discharge of wastewaters;
 - (iii) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;
 - (iv) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to paragraph (C) of rule 3745-279-10 of the Administrative Code;
 - (v) Filtering, separating, or otherwise reconditioning used oil before burning it in a space heater pursuant to rule 3745-279-23 of the Administrative Code.
- (3) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of rule 3745-279-23 of the Administrative Code, shall also comply with rules 3745-279-60 to 3745-279-67 of the Administrative Code.
- (4) Generators who direct shipments of off-specification used oil from their facility directly to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in rule 3745-279-11 of the Administrative Code shall also comply with rules 3745-279-70 to 3745-279-75 of the Administrative Code.
- (5) Generators who dispose of used oil, including the use of used oil as a dust suppressant, shall also comply with rules 3745-279-80 to 3745-279-82 of the Administrative Code.

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3745-279-21 Hazardous waste mixing with used oil.

- (A) Mixtures of used oil and hazardous waste shall be managed in accordance with paragraph (b) of rule 3745-279-10 of the Administrative Code.

- (B) The rebuttable presumption for used oil of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code applies to used oil managed by generators. Under the rebuttable presumption for used oil of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code, used oil containing greater than one thousand parts per million (ppm) total halogens is presumed to be a hazardous waste and thus shall be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to metalworking oils/fluids as described in paragraph (B)(1)(b)(i) of rule 3745-279-10 of the Administrative Code and used oils removed from refrigeration units as described in paragraph (B)(1)(b)(ii) of rule 3745-279-10 of the Administrative Code.

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3745-279-22 Used oil storage requirements for generators.

Used oil generators are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112) in addition to the requirements of rules 3745-279-20 to 3745-279-24 of the Administrative Code. Used oil generators are also subject to the underground storage tank standards (Chapter 1301:7-9 of the Administrative Code) 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 rules 3745-279-20 to 3745-279-24 of the Administrative Code.

- (A) Storage units. Used oil generators must store used oil in tanks, as defined in rule 3745-279-01 of the Administrative Code; in containers, as defined in rule 3745-279-01 of the Administrative Code; or in units subject to regulation under Chapters 3745-54 to 3745-57 and 3745-205 or Chapters 3745-65 to 3745-69 and 3745-256, and Chapter 3745-270 of the Administrative Code.
- (B) Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
- (C) Labels.
 - (1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
 - (2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."
- (D) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 10/20/1998, 12/07/2000

3745-279-23

On-site burning of used oil in space heaters by generators.

Generators may burn used oil in used oil-fired space heaters provided that:

- (A) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;
- (B) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
- (C) The combustion gases from the heater are vented to the ambient air.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-24 Off-site shipments of used oil by generators.

Except as provided in paragraphs (A) to (C) of this rule, generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers.

- (A) Self-transportation of small amounts to approved collection centers. Generators may transport, without a U.S. EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:
 - (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
 - (2) The generator transports no more than fifty-five gallons of used oil at any time; and
 - (3) The generator transports the used oil to a used oil collection center that is registered with Ohio EPA to manage used oil.
- (B) Self-transportation of small amounts to aggregation points owned by the generator. Generators may transport, without a U.S. EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that:
 - (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
 - (2) The generator transports no more than fifty-five gallons of used oil at any time; and
 - (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator.
- (C) Tolling arrangements. Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:
 - (1) The type of used oil and the frequency of shipments;
 - (2) That the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner; and
 - (3) That reclaimed oil will be returned to the generator.

Effective: 12/07/2004
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: 10/20/1998

3745-279-30

Do-it-yourselfer used oil collection centers.

- (A) Applicability. This rule applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers. A DIY used oil collection center is any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.
- (B) DIY used oil collection center requirements. Owners or operators of all DIY used oil collection centers shall comply with the generator standards in rules 3745-279-20 to 3745-279-24 of the Administrative Code.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-31 Used oil collection centers.

- (A) Applicability. This rule applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts/aggregates and stores used oil collected from used oil generators regulated under rules 3745-279-20 to 3745-279-24 of the Administrative Code who bring used oil to the collection center in shipments of no more than fifty-five gallons under the provisions of paragraph (A) of rule 3745-279-24 of the Administrative Code. Used oil collection centers may also accept used oil from household do-it-yourselfers.

- (B) Used oil collection center requirements. Owners or operators of all used oil collection centers shall:
 - (1) Comply with the generator standards in rules 3745-279-20 to 3745-279-24 of the Administrative Code; and

 - (2) Be registered with Ohio EPA, on a form prescribed by the director, to manage used oil.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-32**Used oil aggregation points owned by the generator.**

- (A) Applicability. This rule applies to owners or operators of all used oil aggregation points. A used oil aggregation point is any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than fifty-five gallons under the provisions of paragraph (B) of rule 3745-279-24 of the Administrative Code. Used oil aggregation points may also accept used oil from household do-it-yourselfers.
- (B) Used oil aggregation point requirements. Owners or operators of all used oil aggregation points shall comply with the generator standards in rules 3745-279-20 to 3745-279-24 of the Administrative Code.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-40 Applicability of standards for used oil transporter and transfer facilities.

- (A) General. Except as provided in paragraphs (A)(1) to (A)(4) of this rule, rules 3745-279-40 to 3745-279-47 of the Administrative Code apply to all used oil transporters. Used oil transporters are persons who transport used oil, persons who collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.
- (1) Rules 3745-279-40 to 3745-279-47 of the Administrative Code do not apply to on-site transportation.
 - (2) Rules 3745-279-40 to 3745-279-47 of the Administrative Code do not apply to generators who transport shipments of used oil totalling fifty-five gallons or less from the generator to a used oil collection center as specified in paragraph (A) of rule 3745-279-24 of the Administrative Code.
 - (3) Rules 3745-279-40 to 3745-279-47 of the Administrative Code do not apply to generators who transport shipments of used oil totalling fifty-five gallons or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in paragraph (B) of rule 3745-279-24 of the Administrative Code.
 - (4) Rules 3745-279-40 to 3745-279-47 of the Administrative Code do not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner subject to the requirements of Chapter 3745-279 of the Administrative Code. Except as provided in paragraphs (A)(1) to (A)(3) of this rule, rules 3745-279-40 to 3745-279-47 of the Administrative Code, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.
- (B) Imports and exports. Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of rules 3745-279-40 to 3745-279-47 of the Administrative Code from the time the used oil enters and until the time it exits the state of Ohio.
- (C) Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in rule 3745-51-07 of the Administrative Code prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and shall be managed as hazardous waste unless, under the provisions of paragraph (B) of rule 3745-279-10 of the Administrative Code, the hazardous waste/used oil mixture is determined not to be hazardous waste.
- (D) Other applicable provisions. Used oil transporters who conduct the following activities are also subject to other applicable provisions of Chapter 3745-279 of the Administrative Code indicated in paragraphs (D)(1) to (D)(5) of this rule:

- (1) Transporters who generate used oil shall also comply with rules 3745-279-20 to 3745-279-24 of the Administrative Code;
- (2) Transporters who process or re-refine used oil, except as provided in rule 3745-279-41 of the Administrative Code, shall also comply with rules 3745-279-50 to 3745-279-59 of the Administrative Code;
- (3) Transporters who burn off-specification used oil for energy recovery shall also comply with rules 3745-279-60 to 3745-279-67 of the Administrative Code;
- (4) Transporters who direct shipments of off-specification used oil from their facility to a used oil burner, or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in rule 3745-279-11 of the Administrative Code, shall also comply with rules 3745-279-70 to 3745-279-75 of the Administrative Code; and
- (5) Transporters who dispose of used oil, including the use of used oil as a dust suppressant, shall also comply with rules 3745-279-80 to 3745-279-82 of the Administrative Code.

Effective: 12/07/2000

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 10/20/1998

3745-279-41**Restrictions on used oil transporters who are not also processors or re-refiners.**

- (A) Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in paragraph (B) of this rule, used oil transporters shall not process used oil unless they also comply with the requirements for processors/re-refiners in rules 3745-279-50 to 3745-279-59 of the Administrative Code.
- (B) Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products unless they also comply with the processor/re-refiner requirements in rules 3745-279-50 to 3745-279-59 of the Administrative Code.
- (C) Transporters of used oil that is removed from oil bearing electrical transformers and turbines and that is filtered by the transporter or at a transfer facility prior to being returned to its original use, are not subject to the processor/re-refiner requirements in rules 3745-279-50 to 3745-279-59 of the Administrative Code.

Effective: 10/20/1998
119.032 review dates: Exempt
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Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-42

Notification by used oil transporters.

- (A) ~~Identification~~ U.S. EPA identification numbers. Used oil transporters who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity ~~must~~ shall comply with ~~these requirements~~ this rule and shall obtain a U.S. EPA identification number.
- (B) Mechanics of notification. A used oil transporter who has not received a U.S. EPA identification number may obtain one by notifying the director of ~~their~~ the used oil activity at the facility by submitting either:
- (1) A completed Ohio EPA form ~~EPA9029~~ (EPA 9029 [to obtain this form, call Ohio EPA's ~~division of hazardous waste management at 614-644-2917~~]; ~~or~~ "Division of Materials and Waste Management (DMWM)" at 614/644-2621].
 - (2) A letter requesting a U.S. EPA identification number. ~~Call Ohio EPA's division of hazardous waste management at 614-644-2917 to determine where to send a letter requesting a U.S. EPA identification number.~~ Send the letter to "Ohio EPA- DMWM, P.O. Box 1049, Columbus, Ohio," 43216-1049. The letter should include all of the following information:
 - (a) Transporter company name;_
 - (b) Mailing address of the transporter;_
 - (c) Name of the owner of the transporter company;_
 - (d) Name and telephone number of the transporter point of contact;_
 - (e) Type of transport activity (i.e., transport only, transport and transfer facility, transfer facility only);_
 - (f) Location of all transfer facilities at which used oil is stored; ~~and~~ .
 - (g) Name and telephone number for a contact at each transfer facility.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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10/07/2015

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Prior Effective Dates: 10/20/1998, 03/13/2002, 12/07/2004, 09/05/2010

3745-279-43

Used oil transportation.

(A) Deliveries. A used oil transporter ~~must~~shall deliver all used oil received to one of the following:

- (1) Another used oil transporter, provided that the transporter has obtained a U.S. EPA identification number~~;~~.
- (2) A used oil ~~processing/re-refining~~processing or re-refining facility ~~who~~that has obtained a U.S. EPA identification number~~;~~.
- (3) An off-specification used oil burner facility ~~who~~that has obtained a U.S. EPA identification number~~;~~~~or~~.
- (4) An on-specification used oil burner facility.

(B) U.S. DOT requirements. Used oil transporters ~~must~~shall comply with all applicable requirements under the U.S. department of transportation (U.S. DOT) regulations in 49 CFR Parts 171 to 180. Persons transporting used oil that meets the definition of "hazardous material" in 49 CFR 171.8 ~~must~~shall comply with all applicable regulations in 49 CFR Parts 171 to 180.

(C) Used oil discharges.

- (1) In the event of a discharge of used oil during transportation, the transporter ~~must~~shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).
- (2) If a discharge of used oil occurs during transportation and an official (state or local government or a federal agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by transporters who do not have U.S. EPA identification numbers.
- (3) An air, rail, highway, or water transporter who has discharged used oil ~~must~~shall:

- (a) Give notice, if required by 49 CFR 171.15, to the ~~national response center (800 424 8802 or 202 426 2675); and~~ "National Response Center" at 800/424-8802.

[Comment: The public utilities commission of Ohio, which has adopted 49 CFR 171.15 by reference, also requires notice of such discharge.]

- (b) Report in writing as required by 49 CFR 171.16 ~~to the director, office of hazardous materials regulations, materials transportation bureau, department of transportation, Washington, DC 20590; and~~

- (c) Give notice to ~~Ohio EPA's division of emergency and remedial response at 800-282-9378~~ the Ohio EPA "Emergency Response Unit" at 800/282-9378.

- (4) A water transporter who has discharged used oil ~~must~~shall give notice as required by 33 CFR 153.203.

- (5) A transporter ~~must~~shall clean up any used oil discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-279-44

Rebuttable presumption for used oil for transporters.

- (A) To ensure that used oil is not a hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code, the used oil transporter ~~shall~~must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below one thousand parts per million (ppm).
- (B) The transporter ~~shall~~must make this determination by:
- (1) Testing the used oil; or
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- (C) If the used oil contains greater than or equal to one thousand ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, ~~by using an analytical method from SW-846, edition III, to show~~showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code). ~~EPA publication SW-846, third edition, is available from the government printing office, superintendent of documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. 202/512-1800 (document number 955-001-00000-1).~~
- (1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.
 - (2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- (D) Record retention. Records of analyses conducted or information used to comply with paragraphs (A), (B), and (C) of this rule ~~shall~~must be maintained by the transporter for at least three years.

Effective: 02/16/2009

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/13/2009

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 10/20/1998, 12/07/2000

3745-279-45 Used oil storage at transfer facilities.

Used oil transporters are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112) in addition to the requirements of rules 3745-279-40 to 3745-279-47 of the Administrative Code. Used oil transporters are also subject to the underground storage tank standards (Chapter 1301:7-9 of the Administrative Code) 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 rules 3745-279-40 to 3745-279-47 of the Administrative Code.

- (A) **Applicability.** This rule applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than twenty-four hours during the normal course of transportation and not longer than thirty-five days. Transfer facilities that store used oil for more than thirty-five days are subject to regulation under rules 3745-279-50 to 3745-279-59 of the Administrative Code.
- (B) **Storage units.** Owners or operators of used oil transfer facilities must store used oil in tanks, as defined in rule 3745-279-01 of the Administrative Code; in containers, as defined in rule 3745-279-01 of the Administrative Code; or in units subject to regulation under Chapters 3745-54 to 3745-57 and 3745-205 or Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.
- (C) **Condition of units.** Containers and aboveground tanks used to store used oil at transfer facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
- (D) **Secondary containment for containers.** Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.

- (E) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
- (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (F) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
- (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (G) Labels.
- (1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
 - (2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- (H) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, the owner/operator of a transfer facility must perform the following cleanup steps:

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

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: 10/20/1998, 12/07/2000

3745-279-46 Tracking of used oil by transporters.

- (A) Acceptance. Used oil transporters must keep a record of each used oil shipment accepted for transport. Records for each shipment must include:
- (1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
 - (2) The U.S. EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
 - (3) The quantity of used oil accepted;
 - (4) The date of acceptance; and
 - (5)
 - (a) Except as provided in paragraph (A)(5)(b) of this rule, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport.
 - (b) Intermediate rail transporters are not required to sign the record of acceptance.
- (B) Deliveries. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include:
- (1) The name and address of the receiving facility or transporter;
 - (2) The U.S. EPA identification number of the receiving facility or transporter;
 - (3) The quantity of used oil delivered;
 - (4) The date of delivery;
 - (5)
 - (a) Except as provided in paragraph (B)(5)(b) of this rule, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
 - (b) Intermediate rail transporters are not required to sign the record of delivery.
- (C) Exports of used oil. Used oil transporters must maintain the records described in paragraphs (B)(1) to (B)(4) of this rule for each shipment of used oil exported to any foreign country.

- (D) Record retention. The records described in paragraphs (A), (B), and (C) of this rule must be maintained for at least three years.

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 10/20/1998

3745-279-47

Management of residues by used oil transporters.

Transporters who generate residues from the storage or transport of used oil shall manage the residues as specified in paragraph (E) of rule 3745-279-10 of the Administrative Code.

Effective: 10/20/1998

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: None

3745-279-50 Applicability of standards for used oil processors and re-refiners.

- (A) The requirements of rules 3745-279-50 to 3745-279-59 of the Administrative Code apply to owners and operators of facilities that process used oil. Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining. The requirements of rules 3745-279-50 to 3745-279-59 of the Administrative Code do not apply to:
- (1) Transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in rule 3745-279-41 of the Administrative Code; or
 - (2) Burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in paragraph (B) of rule 3745-279-61 of the Administrative Code.
- (B) Other applicable provisions. Used oil processors/re-refiners who conduct the following activities are also subject to the requirements of other applicable provisions of Chapter 3745-279 of the Administrative Code as indicated in paragraphs (B)(1) to (B)(5) of this rule.
- (1) Processors/re-refiners who generate used oil shall also comply with rules 3745-279-20 to 3745-279-24 of the Administrative Code;
 - (2) Processors/re-refiners who transport used oil shall also comply with rules 3745-279-40 to 3745-279-47 of the Administrative Code;
 - (3) Except as provided in paragraphs (B)(3)(a) and (B)(3)(b) of this rule, processors/re-refiners who burn off-specification used oil for energy recovery shall also comply with rules 3745-279-60 to 3745-279-67 of the Administrative Code. Processor/re-refiners burning used oil for energy recovery under the following conditions are not subject to rules 3745-279-60 to 3745-279-67 of the Administrative Code:
 - (a) The used oil is burned in an on-site space heater that meets the requirements of rule 3745-279-23 of the Administrative Code; or
 - (b) The used oil is burned for purposes of processing used oil, which is considered burning incidentally to used oil processing;
 - (4) Processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in rule 3745-279-11 shall also comply with rules 3745-279-70 to 3745-279-75 of the Administrative Code; and

- (5) Processors/re-refiners who dispose of used oil, including the use of used oil as a dust suppressant, shall also comply with rules 3745-279-80 to 3745-279-82 of the Administrative Code.

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Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-51

Notification by used oil processors and re-refiners.

- (A) U.S. EPA identification numbers. Used oil processors and re-refiners who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.
- (B) Mechanics of notification. Used oil processors or re-refiners who have not received a U.S. EPA identification number may obtain one by notifying the director of the used oil activity at the facility by submitting either:
- (1) A completed Ohio EPA form EPA 9029 [to obtain this form, call Ohio EPA's "~~Division of Materials and Waste Management (DMWM)~~" at ~~614/644-2621~~Hazardous Waste Management Program" at 614/644-2924].
 - (2) A letter requesting a U.S. EPA identification number. Send the letter to "Ohio EPA—~~DMWM~~, Hazardous Waste Management Program, P.O. Box 1049, Columbus, Ohio," 43216-1049. The letter should include all of the following information:
 - (a) Processor or re-refiner company name.
 - (b) Address of the processor or re-refiner facility (actual location).
 - (c) Mailing address of the processor or re-refiner.
 - (d) Name of the owner of the processor or re-refiner company.
 - (e) Name and telephone number of the processor or re-refiner point of contact.
 - (f) Type of used oil activity (i.e., process only, process and re-refine).

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-279-52

General facility standards for used oil processors and re-refiners.

- (A) Preparedness and prevention. Owners and operators of used oil processing and re-refining facilities shall comply with all of the following ~~requirements~~:
- (1) Maintenance and operation of facility. Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
 - (2) Required equipment. All facilities shall 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 paragraphs (A)(2)(a) to (A)(2)(d) of this rule:
 - (a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.
 - (b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.
 - (c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment.
 - (d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
 - (3) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure ~~its~~ proper operation in time of emergency.
 - (4) Access to communications or alarm system.
 - (a) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in paragraph (A)(2) of this rule.

- (b) If there is ever just one employee on the premises while the facility is operating, the employee shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in paragraph (A)(2) of this rule.
- (5) Required aisle space. The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- (6) Arrangements with local authorities.
 - (a) The owner or operator shall attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of the following organizations:
 - (i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes.
 - (ii) Where more than one police and fire department might respond to an emergency, arrangements designating primary emergency authority to a specific police and a specific fire department, and arrangements with any others to provide support to the primary emergency authority.
 - (iii) Arrangements with state emergency response teams, emergency response contractors, and equipment suppliers.
 - (iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
 - (b) Where state or local authorities decline to enter into such arrangements, the owner or operator shall document the refusal in the operating record.
- (B) Contingency plan and emergency procedures. Owners and operators of used oil processors and re-refiners facilities shall comply with all of the following requirements:
 - (1) Purpose and implementation of contingency plan.

- (a) Each owner or operator shall have a contingency plan for the facility. The contingency plan shall 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 contingency plan shall be implemented immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.

(2) Content of contingency plan.

- (a) The contingency plan shall describe the actions facility personnel shall take to comply with paragraphs (B)(1) and (B)(6) of this rule 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 40 CFR Part 112, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management sufficient to comply with Chapter 3745-279 of the Administrative Code.
- (c) The contingency plan shall describe arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to paragraph (A)(6) of this rule.
- (d) The contingency plan shall list names, addresses, and home or cellular telephone numbers of all persons qualified to act as emergency coordinator [see paragraph (B)(5) of this rule], and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which ~~they~~the others will assume responsibility as alternates.
- (e) The contingency plan shall include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list shall be kept up to date. In addition, the contingency plan shall include the location and a physical description of each item on the list, and a brief outline of the capabilities of each item.

- (f) The contingency plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This evacuation plan shall describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- (3) Copies of contingency plan. A copy of the contingency plan and all revisions to the contingency plan shall be both:
- (a) Maintained at the facility-; and
 - (b) Submitted to all local police departments, fire departments, hospitals, and local emergency response teams that may be called upon to provide emergency services.
- (4) Amendment of contingency plan. The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:
- (a) Applicable rules are revised-; or
 - (b) The contingency plan fails in an emergency-; or
 - (c) The facility changes- in ~~its~~ design, construction, operation, maintenance, or other circumstances- in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency-; or
 - (d) The list of emergency coordinators changes-; or
 - (e) The list of emergency equipment changes.
- (5) Emergency coordinator. At all times, there shall 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 shall 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 shall have the authority to commit the resources needed to implement the contingency plan.

[Comment: The emergency coordinator's responsibilities are more fully spelled out in paragraph (B)(6) of this rule. 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) shall immediately:
 - (i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - (ii) Notify the Ohio EPA "Emergency Response Unit" at 800/282-9378, and appropriate local agencies with designated response roles.
- (b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analyses.
- (c) In addition, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).
- (d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility:
 - (i) If the emergency coordinator's determination indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities; and shall be available to help appropriate officials decide whether local areas should be evacuated.
 - (ii) The emergency coordinator shall immediately report the incident to the Ohio EPA "Emergency Response Unit" at 800/282-9378, and either the "U.S. EPA Region 5 Response Center" at 312/353-2318 or the "National Response Center" at 800/424-8802. The report shall include all of the following:

- (a) Name and telephone number of the emergency coordinator who is making the notification.
 - (b) Name and address of facility.
 - (c) Time and type of incident (e.g., release, fire).
 - (d) Name and quantity of materials involved, to the extent known.
 - (e) The extent of injuries, if any.
 - (f) The possible hazards to human health or the environment outside the facility.
- (e) During an emergency, the emergency coordinator shall 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 shall 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 shall 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 shall provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- (h) The emergency coordinator shall ensure that in the affected areas of the facility:
- (i) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed.
 - (ii) All emergency equipment listed in the contingency plan is cleaned and fit for ~~its~~ the equipment's intended use before operations are resumed.
 - (iii) The owner or operator shall notify the director and appropriate state and local authorities that the facility is in compliance

with paragraphs (B)(6)(h)(i) and (B)(6)(h)(ii) of this rule before operations are resumed in the affected areas of the facility.

- (i) The owner or operator shall note in the operating record the time, date, and details of any incident that requires the contingency plan to be implemented. Within fifteen days after the incident, the owner or operator shall submit a written report on the incident to the director. The report shall include all of the following:
 - (i) Name, address, and telephone number of the owner or operator.
 - (ii) Name, address, and telephone number of the facility.
 - (iii) Date, time, and type of incident (e.g., fire, explosion).
 - (iv) Name and quantity of materials involved.
 - (v) The extent of injuries, if any.
 - (vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable.
 - (vii) Estimated quantity and disposition of recovered material that resulted from the incident.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-279-53

Rebuttable presumption for used oil for processors and re-refiners.

- (A) To ensure that used oil managed at a processing/re-refining facility is not hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code, the owner or operator of a used oil processing/re-refining facility ~~shall~~must determine whether the total halogen content of used oil managed at the facility is above or below one thousand parts per million (ppm).
- (B) The owner or operator ~~shall~~must make this determination by:
- (1) Testing the used oil; or
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- (C) If the used oil contains greater than or equal to one thousand ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by ~~using an analytical method from SW 846, edition III, to show~~showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code). ~~EPA publication SW 846, third edition, is available from the government printing office, superintendent of documents, P.O. Box 371954, Pittsburgh PA 15250 7954, 202/512-1800 (document number 955-001-00000-1).~~
- (1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.
 - (2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

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3745-279-54 Used oil management by processors and re-refiners.

Used oil processor/re-refiners are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112) in addition to the requirements of rules 3745-279-50 to 3745-279-59 of the Administrative Code. Used oil processors/re-refiners are also subject to the underground storage tank standards (Chapter 1301:7-9 of the Administrative Code) 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 rules 3745-279-50 to 3745-279-59 of the Administrative Code.

- (A) Management units. Used oil processors/re-refiners must store used oil in tanks, as defined in rule 3745-279-01 of the Administrative Code; in containers, as defined in rule 3745-279-01 of the Administrative Code; or in units subject to regulation under Chapters 3745-54 to 3745-57 and 3745-205 or Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.
- (B) Condition of units. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
- (C) Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (D) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and

- (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (E) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (F) Labels.
 - (1) Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."
 - (2) Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."
- (G) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, an owner/operator must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and

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

(H) Closure.

- (1) Aboveground tanks. Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:

- (a) At closure of a tank system, the owner or operator must remove or decontaminate the following and manage them as hazardous waste unless the materials are used oils under Chapter 3745-279 of the Administrative Code or are not hazardous waste under Chapter 3745-51 of the Administrative Code: used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil.

- (b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in paragraph (H)(1)(a) of this rule, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (rule 3745-68-10 of the Administrative Code).

- (2) Containers. Owners and operators who store used oil in containers must comply with the following requirements:

- (a) At closure, containers holding used oils or residues of used oil must be removed from the site;

- (b) The owner or operator must remove or decontaminate the following and manage them as hazardous waste unless the materials are used oils under Chapter 3745-279 of the Administrative Code or are not hazardous waste under Chapter 3745-51 of the Administrative Code: used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-279-55 **Analysis plan at used oil processing and re-refining facilities.**

Owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of rule 3745-279-53 of the Administrative Code and, if applicable, rule 3745-279-72 of the Administrative Code. The owner or operator must keep the plan at the facility.

(A) Rebuttable presumption for used oil in rule 3745-279-53 of the Administrative Code.

At a minimum, the plan must specify the following:

(1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.

(2) If sample analyses are used to make this determination:

(a) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:

(i) One of the sampling methods in the appendix I to rule 3745-51-20 of the Administrative Code; or

(ii) A method shown to be equivalent under 40 CFR ~~sections~~ 260.20 and 40 CFR 260.21;

(b) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

(c) The methods used to analyze used oil for the parameters specified in rule 3745-279-53 of the Administrative Code; and

(3) The type of information that will be used to determine the halogen content of the used oil.

(B) On-specification used oil fuel in rule 3745-279-72 of the Administrative Code. At a minimum, the plan must specify the following if rule 3745-279-72 of the Administrative Code is applicable:

(1) Whether sample analyses or other information will be used to make this determination;

(2) If sample analyses are used to make this determination:

- (a) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
 - (i) One of the sampling methods in the appendix I to rule 3745-51-20 of the Administrative Code; or
 - (ii) A method shown to be equivalent under 40 CFR ~~sections~~ 260.20 and 40 CFR 260.21;
 - (b) Whether used oil will be sampled and analyzed prior to or after any processing/re-refining;
 - (c) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
 - (d) The methods used to analyze used oil for the parameters specified in rule 3745-279-72 of the Administrative Code; and
- (3) The type of information that will be used to make the on-specification used oil fuel determination.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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3745-279-56 Tracking of used oil by processors and re-refiners.

- (A) Acceptance. Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
- (1) The name and address of the transporter who delivered the used oil to the processor/re-refiner;
 - (2) The name and address of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;
 - (3) The U.S. EPA identification number of the transporter who delivered the used oil to the processor/re-refiner;
 - (4) The U.S. EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;
 - (5) The quantity of used oil accepted; and
 - (6) The date of acceptance.
- (B) Delivery. Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
- (1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
 - (2) The name and address of the burner, processor/re-refiner or disposal facility who receives the used oil;
 - (3) The U.S. EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner, or disposal facility;
 - (4) The U.S. EPA identification number of the burner, processor/re-refiner, or disposal facility who receives the used oil;
 - (5) The quantity of used oil shipped; and
 - (6) The date of shipment.
- (C) Record retention. The records described in paragraphs (A) and (B) of this rule must be maintained for at least three years.

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3745-279-57

Operating record and reporting at used oil processors and re-refiners.

- (A) Operating record.
 - (1) The owner or operator must keep a written operating record at the facility.
 - (2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under rule 3745-279-55 of the Administrative Code; and
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in paragraph (B) of rule 3745-279-52 of the Administrative Code.
- (B) Reporting. A used oil processor/re-refiner must report to the director, in the form of a letter, on a biennial basis by March first of each even numbered year, the following information concerning used oil activities during the previous calendar year:
 - (1) The U.S. EPA identification number, name, and address of the processor/re-refiner;
 - (2) The calendar year covered by the report; and
 - (3) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.

Effective: 12/07/2004

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3745-279-58

Off-site shipments of used oil from processors and re-refiners.

Used oil processors/re-refiners who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained a U.S. EPA identification number.

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3745-279-59

Management of residues at used oil processors and re-refiners.

Owners and operators who generate residues from the storage, processing, or re-refining of used oil shall manage the residues as specified in paragraph (E) of rule 3745-279-10 of the Administrative Code.

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Prior effective dates: 10/20/1998

3745-279-60 Applicability of standards for used oil burners who burn off-specification used oil for energy recovery.

- (A) General. The requirements of rules 3745-279-60 to 3745-279-67 of the Administrative Code apply to used oil burners except as specified in paragraphs (A)(1) and (A)(2) of this rule. A used oil burner is a facility where used oil not meeting the specification requirements in rule 3745-279-11 of the Administrative Code is burned for energy recovery in devices identified in paragraph (A) of rule 3745-279-61 of the Administrative Code. Facilities burning used oil for energy recovery under the following conditions are not subject to rules 3745-279-60 to 3745-279-67 of the Administrative Code:
- (1) The used oil is burned by the generator in an on-site space heater under the provisions of rule 3745-279-23 of the Administrative Code; or
 - (2) The used oil is burned by a processor/re-refiner for purposes of processing used oil, which is considered burning incidentally to used oil processing.
- (B) Other applicable provisions. Used oil burners who conduct the following activities are also subject to the requirements of other applicable provisions of Chapter 3745-279 of the Administrative Code as indicated by the following:
- (1) Burners who generate used oil shall also comply with rules 3745-279-20 to 3745-279-24 of the Administrative Code;
 - (2) Burners who transport used oil shall also comply with rules 3745-279-40 to 3745-279-47 of the Administrative Code;
 - (3) Except as provided in paragraph (B) of rule 3745-279-61 of the Administrative Code, burners who process or re-refine used oil shall also comply with rules 3745-279-50 to 3745-279-59 of the Administrative Code;
 - (4) Burners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in rule 3745-279-11 of the Administrative Code shall also comply with rules 3745-279-70 to 3745-279-75 of the Administrative Code; and
 - (5) Burners who dispose of used oil, including the use of used oil as a dust suppressant, shall comply with rules 3745-279-80 to 3745-279-82 of the Administrative Code.
- (C) Specification fuel. Rules 3745-279-60 to 3745-279-67 of the Administrative Code do not apply to persons burning used oil that meets the used oil fuel specification of rule 3745-279-11 of the Administrative Code, provided that the burner complies with the requirements of rules 3745-279-70 to 3745-279-75 of the Administrative Code.

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Prior effective dates: None

3745-279-61**Restrictions on burning off-specification used oil fuel.**

- (A) Off-specification used oil fuel must be burned for energy recovery only in the following devices:
- (1) Industrial furnaces identified in rule 3745-50-10 of the Administrative Code;
 - (2) Boilers, as defined in rule 3745-50-10 of the Administrative Code, that are identified as follows:
 - (a) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
 - (b) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
 - (c) Used oil-fired space heaters, provided that the burner meets the provisions of rule 3745-279-23 of the Administrative Code; or
 - (3) Hazardous waste incinerators subject to regulation under rules 3745-57-40 to 3745-57-51 or 3745-68-40 to 3745-68-52 of the Administrative Code.
- (B)
- (1) With the following exception, used oil burners must not process used oil unless they also comply with the requirements of rules 3745-279-50 to 3745-279-59 of the Administrative Code.
 - (2) Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but must not aggregate for purposes of producing on-specification used oil.

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 10/20/1998

3745-279-62

Notification by used oil burners.

- (A) U.S. EPA identification numbers. Used oil burners who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.
- (B) Mechanics of notification. Used oil burners who have not received a U.S. EPA identification number may obtain one by notifying the director of the used oil activity at the facility by submitting either:
- (1) A completed Ohio EPA form EPA 9029 [to obtain this form, call Ohio EPA's "~~Division of Materials and Waste Management (DMWM)~~" at ~~614/644-2621~~ Hazardous Waste Management Program" at 614/644-2924.]
 - (2) A letter requesting a U.S. EPA identification number. Send the letter to "Ohio EPA—~~DMWM~~, Hazardous Waste Management Program, P.O. Box 1049, Columbus, Ohio," 43216-1049. The letter should include all of the following information:
 - (a) Burner company name.
 - (b) Address of the burner facility (actual location).
 - (c) Mailing address of the burner.
 - (d) Name of the owner of the burner company.
 - (e) Name and telephone number of the burner point of contact.
 - (f) Type of used oil activity.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 9/29/2021
Five Year Review (FYR) Dates: 6/7/2021 and Exempt

CERTIFIED ELECTRONICALLY

Certification

09/14/2021

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 10/20/1998, 03/13/2002, 12/07/2004, 09/05/2010,
10/31/2015

3745-279-63

Rebuttable presumption for used oil for burners.

- (A) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of paragraph (B)(1)(b) of rule 3745-279-10 of the Administrative Code, a used oil burner ~~shall~~must determine whether the total halogen content of used oil managed at the facility is above or below one thousand parts per million (ppm).
- (B) The used oil burner ~~shall~~must determine if the used oil contains above or below one thousand ppm total halogens by:
- (1) Testing the used oil;
 - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used; or
 - (3) If the used oil has been received from a ~~processor/refiner~~processor/re-refiner subject to regulation under rules 3745-279-50 to 3745-279-59 of the Administrative Code, using information provided by the processor/re-refiner.
- (C) If the used oil contains greater than or equal to one thousand ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by ~~using an analytical method from SW 846, edition III, to show~~showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code). ~~EPA publication SW 846, third edition, is available from the government printing office, superintendent of documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; 202/512-1800 (document number 955-001-00000-1).~~
- (1) The rebuttable presumption does not apply to metal working oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.
 - (2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(D) Record retention. Records of analyses conducted or information used to comply with paragraphs (A), (B), and (C) of this rule ~~shall~~must be maintained by the burner for at least three years.

Effective: 02/16/2009

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/13/2009

Date

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Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 10/20/1998, 12/07/2000

3745-279-64 Used oil storage by burners.

Used oil burners are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112) in addition to the requirements of rules 3745-279-60 to 3745-279-67 of the Administrative Code. Used oil burners are also subject to the underground storage tank standards (Chapter 1301:7-9 of the Administrative Code) 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 rules 3745-279-60 to 3745-279-67 of the Administrative Code.

- (A) Storage units. Used oil burners must store used oil in tanks, as defined in rule 3745-279-01 of the Administrative Code; in containers, as defined in rule 3745-279-01 of the Administrative Code; or in units subject to regulation under Chapters 3745-54 to 3745-57 and 3745-205 or Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.
- (B) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
- (C) Secondary containment for containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
 - (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (D) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.
 - (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

- (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (E) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.
- (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (c) An equivalent secondary containment system.
 - (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
- (F) Labels.
- (1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
 - (2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."
- (G) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a burner must perform the following cleanup steps:
- (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 10/20/1998, 12/07/2000

3745-279-65

Tracking of used oil by burners.

- (A) Acceptance. Used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
- (1) The name and address of the transporter who delivered the used oil to the burner;
 - (2) The name and address of the generator or processor/re-refiner who sent the used oil to the burner;
 - (3) The U.S. EPA identification number of the transporter who delivered the used oil to the burner;
 - (4) The U.S. EPA identification number (if applicable) of the generator or processor/re-refiner who sent the used oil to the burner;
 - (5) The quantity of used oil accepted; and
 - (6) The date of acceptance.
- (B) Record retention. The records described in paragraph (A) of this rule must be maintained for at least three years.

Effective: 12/07/2004

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: 10/20/1998, 12/07/2000

3745-279-66**Notices provided by the used oil burner.**

- (A) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner shall provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that:
- (1) The burner has notified Ohio EPA stating the location and general description of his used oil management activities; and
 - (2) The burner will burn the used oil only in an industrial furnace or boiler identified in paragraph (A) of rule 3745-279-61 of the Administrative Code.
- (B) Certification retention. The certification described in paragraph (A) of this rule shall be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-67

Management of residues by used oil burners.

Burners who generate residues from the storage or burning of used oil shall manage the residues as specified in paragraph (E) of rule 3745-279-10 of the Administrative Code.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-70 Applicability of standards for used oil fuel marketers.

- (A) Any person who conducts either of the following activities is subject to the requirements of rules 3745-279-70 to 3745-279-75 of the Administrative Code:
- (1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
 - (2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in rule 3745-279-11 of the Administrative Code.
- (B) The following persons are not marketers subject to rules 3745-279-70 to 3745-279-75 of the Administrative Code:
- (1) Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors/re-refiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters who direct shipments of off-specification used oil to processor/re-refiners who incidentally burn used oil are not marketers subject to rules 3745-279-70 to 3745-279-75 of the Administrative Code;
 - (2) Persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil fuel specifications of rule 3745-279-11 of the Administrative Code.
- (C) Any person subject to the requirements of rules 3745-279-70 to 3745-279-75 of the Administrative Code shall also comply with one of the following:
- (1) Rules 3745-279-20 to 3745-279-24 of the Administrative Code- standards for used oil generators;
 - (2) Rules 3745-279-40 to 3745-279-47 of the Administrative Code- standards for used oil transporters and transfer facilities;
 - (3) Rules 3745-279-50 to 3745-279-59 of the Administrative Code- standards for used oil processors and re-refiners; or
 - (4) Rules 3745-279-60 to 3745-279-67 of the Administrative Code- standards for used oil burners who burn off-specification used oil for energy recovery.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-71 Prohibitions on used oil fuel marketers.

A used oil fuel marketer must initiate a shipment of off-specification used oil only to a used oil burner who:

- (A) Has a U.S. EPA identification number; and
- (B) Burns the used oil in an industrial furnace or boiler identified in paragraph (A) of rule 3745-279-61 of the Administrative Code.

Effective: 12/07/2004
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: 10/20/1998

3745-279-72

On-specification used oil fuel.

- (A) Analysis of used oil fuel. A generator, transporter, processor/re-refiner, or burner shall determine that used oil that is to be burned for energy recovery meets the fuel specifications of rule 3745-279-11 of the Administrative Code by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.
- (B) Record retention. A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under rule 3745-279-11 of the Administrative Code shall keep copies of analyses of the used oil (or other information used to make the determination) for three years.

Effective: 10/20/1998

119.032 review dates: Exempt

Promulgated under: 119.03

Statutory authority: 3734.12

Rule amplifies: 3734.12

Prior effective dates: None

3745-279-73

Notification by a used oil fuel marketer.

- (A) U.S. EPA identification numbers. Used oil fuel marketers subject to rules 3745-279-70 to 3745-279-75 of the Administrative Code who have not previously notified Ohio EPA or U.S. EPA of regulated waste activity shall comply with this rule and shall obtain a U.S. EPA identification number.
- (B) Mechanics of notification. A marketer who has not received a U.S. EPA identification number may obtain one by notifying the director of the marketer's used oil activity by submitting either:
- (1) A completed Ohio EPA form EPA 9029 [to obtain this form, call Ohio EPA's ~~"Division of Materials and Waste Management (DMWM)"~~ at ~~614/644-2621~~Hazardous Waste Management Program at 614/644-2924].
 - (2) A letter requesting a U.S. EPA identification number. Send the letter to "Ohio EPA—~~DMWM~~, Hazardous Waste Management Program, P.O. Box 1049, Columbus, Ohio," 43216-1049. The letter should include all of the following information:
 - (a) Marketer company name.
 - (b) Mailing address of the marketer.
 - (c) Name of the owner of the marketer.
 - (d) Name and telephone number of the marketer point of contact.
 - (e) Type of used oil activity (e.g., generator directing shipments of off-specification used oil to a burner).

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 9/29/2021
Five Year Review (FYR) Dates: 6/7/2021 and Exempt

CERTIFIED ELECTRONICALLY

Certification

09/14/2021

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Rule Amplifies: 3734.12
Prior Effective Dates: 10/20/1998, 03/13/2002, 12/07/2004, 09/05/2010,
10/31/2015

3745-279-74

Tracking of used oil to a burner.

- (A) Off-specification used oil delivery. Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to that burner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:
- (1) The name and address of the transporter who delivers the used oil to the burner;
 - (2) The name and address of the burner who receives the used oil;
 - (3) The U.S. EPA identification number of the transporter who delivers the used oil to the burner;
 - (4) The U.S. EPA identification number of the burner;
 - (5) The quantity of used oil shipped; and
 - (6) The date of shipment.
- (B) On-specification used oil delivery. A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under rule 3745-279-11 of the Administrative Code must keep a record of each shipment of used oil to ~~an on-specification used oil burner~~ the facility to which it delivers the used oil. Records for each shipment must include the following information:
- (1) The name and address of the facility receiving the shipment;
 - (2) The quantity of used oil fuel delivered;
 - (3) The date of shipment or delivery; and
 - (4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under paragraph (A) of rule 3745-279-72 of the Administrative Code.
- (C) Record retention. The records described in paragraphs (A) and (B) of this rule must be maintained for at least three years.

Effective: 02/16/2009

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

01/13/2009

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 10/20/1998, 12/07/2000, 12/07/2004

3745-279-75

Notices obtained by the used oil generator, transporter, processor, or re-refiner.

- (A) Certification. Before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, he shall obtain a one-time written and signed notice from the burner certifying that:
 - (1) The burner has notified Ohio EPA stating the location and general description of used oil management activities; and
 - (2) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in paragraph (A) of rule 3745-279-61 of the Administrative Code.

- (B) Certification retention. The certification described in paragraph (A) of this rule shall be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-80

**Applicability of standards for use of used oil as a dust
suppressant and disposal of used oil.**

The requirements of rules 3745-279-80 to 3745-279-82 of the Administrative Code apply to all used oils that cannot be recycled and are therefore being disposed.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None

3745-279-81

Disposal of hazardous and of nonhazardous used oils.

- (A) Disposal of hazardous used oils. Used oils that are identified as a hazardous waste and cannot be recycled in accordance with Chapter 3745-279 of the Administrative Code ~~must~~shall be managed in accordance with ~~the hazardous waste management requirements of~~ Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.
- (B) Disposal of nonhazardous used oils. Used oils that are not hazardous wastes and cannot be recycled under Chapter 3745-279 of the Administrative Code ~~must~~shall be disposed in accordance with the applicable requirements of Chapters 3745-27, 3745-28, 3745-29, and 3745-30 of the Administrative Code.

Effective: 03/24/2017

Five Year Review (FYR) Dates: 11/29/2016 and Exempt

CERTIFIED ELECTRONICALLY

Certification

02/15/2017

Date

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Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 10/20/1998, 12/07/2000, 12/07/2004

3745-279-82 Use of used oil as a dust suppressant.

The use of used oil as a dust suppressant is prohibited in Ohio.

Effective: 10/20/1998
119.032 review dates: Exempt
Promulgated under: 119.03
Statutory authority: 3734.12
Rule amplifies: 3734.12
Prior effective dates: None