Fax Cover Sheet

Date: 10/16/97

To: Gary Konwinski (Fax-4641, X4595)

From: Dan Kunz (Phone 5879)

Message:
Per our conversation of 10/15-I am sending the CDPH&E contact record that I received from Mike Simmons/MSC today. This is what MSC used to characterized the waste from the Be-Cell.

In addition, the vacuum cleaner/drums (NOI item#5) contain waste oil, sludge, metal turnings and metal fines that will need to be shoveled out. I think we should treat these vacuum drums as idle equipment to allow time to prepare an RWP, JSA, WGI, secure safe work area and obtain tools and containers to complete the work.

Pages sent including this cover sheet = 3
Please call 966-5879 if any pages are missing or unreadable.

Best Available Copy

ADMIN RECORD
IA-A-000452

1/12

WASTE AND ENVIRONMENTAL MANAGEMENT SYSTEM

WEMR_2000 15-OCT-97

CONTAINER ACCURACY REPORT 10:10am

Building: 884 Unit: 13 Room: ALL Locale: ROW 9

Container ID:	P0224600950566
Container Type:	BOX - FULL WOOD 4X4X7
Original Nbr:	
Status:	A
In Transit:	N
Accumulation Start Date:	18-SEP-96
Fill Date:	18-SEP-96
IDC/WFC:	0325
IDC/WFC Description:	MIXED IDC'S OUTSIDE PSZ (MIXED WASTE)
EPA Codes:	D019, D039, D040
Solid/Liquid/Both/Gas:	Solid
Compatibility Codes:	NA
Waste Type:	LLM
RCRA Haz:	Y
Rad:	Y
CERCLA:	
LDR:	Y
Container Capacity:	112 Cu ft
Waste Volume:	0.00 GA
Gross Weight:	0 (lbs) 0 (kg)
Net Weight:	0 (lbs) 0 (kg)
Process Number:	
Event Nbr:	
Rtr Date:	
Rtr Passed:	
Isotopes:	
Total Gamma/Neutron	Mr/Hr @ Surface: 0 Mr/Hr @ Meter: 0
RCT Employee Nbr:	
RCT Date:	
Asbestos/PCB (A/P/N):	N
Permitted Abatement (Y/N):	
Notes:	

VERIFICATION SIGNATURE_____DATE___/___/___

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WASTE AND ENVIRONMENTAL MANAGEMENT SYSTEM

WEMR_2000

15-OCT-97
10:10am

CONTAINER ACCURACY REPORT

Building: 884 Unit: 13 Room: ALL Locale: ROW 9

Container ID:	P02264009500570
Container Type:	BOX - FULL WOOD 4X4X7
Original Nbr:	
Status:	A
In Transit:	N
Accumulation Start Date:	18-SEP-96
Fill Date:	18-SEP-96
IDC/WFC:	0325
IDC/WFC Description:	MIXED IDC'S OUTSIDE PSZ (MIXED WASTE)
EPA Codes:	D019, D039, D040
Solid/Liquid/Both/Gas:	Solid
Compatibility Codes:	NA
Waste Type:	LLM
RCRA Haz:	Y
Rad:	Y
CERCLA:	Y
LDR:	Y
Container Capacity:	112 Cu ft
Waste Volume:	0.00 GA
Gross Weight:	0 (lbs) 0 (kg)
Net Weight:	0 (lbs) 0 (kg)
Process Number:	12524-14
Event Nbr:	
Rtr Date:	
Rtr Passed:	
Isotopes:	
Total Gamma/Neutron	Mr/Hr @ Surface: 0 Mr/Hr @ Meter: 0
RCT Employee Nbr:	
RCT Date:	
Asbestos/PCB (A/P/N):	N
Permitted Abatement (Y/N):	
Notes:	T3/T4 WASTE

VERIFICATION SIGNATURE_____DATE___/___/___

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WEMR_2000

WASTE AND ENVIRONMENTAL MANAGEMENT SYSTEM

CONTAINER ACCURACY REPORT

15-OCT-97
10:10am

Building: 865 Unit: 0 Room: 145 Locale:

Container ID: R01432008800911

Container Type: DRUM - 55 GAL WHITE BUNG (RADIOACTIVE)
Original Nbr:
Status: A
In Transit: N
Accumulation Start Date:
Fill Date:
IDC/WFC: 0505
IDC/WFC Description: MISCELLANEOUS NEUTRAL WASTE SOLUTION PH >2 BUT < 12.5
EPA Codes:
Solid/Liquid/Both/Gas: Liquid
Compatibility Codes: 3A
Waste Type: LLW
RCRA Haz:
Rad: Y
CERCLA:
LDR: N
Container Capacity: 7.4 Cu ft
Waste Volume: 0.00 GA
Gross Weight: 0 (lbs) 0 (kg)
Net Weight: 0 (lbs) 0 (kg)
Process Number: 865-18-6
Event Nbr:
Isotopes:
Total Gamma/Neutron Mr/Hr @ Surface: 0 Mr/Hr @ Meter: 0
RCT Employee Nbr:
RCT Date:
Asbestos/PCB (A/P/N): N
Permitted Abatement (Y/N):
Notes:
Fingerprint Name Fingerprint Result

VERIFICATION SIGNATURE_____DATE___/___/___

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WEMR_2000

WASTE AND ENVIRONMENTAL MANAGEMENT SYSTEM

CONTAINER ACCURACY REPORT

15-OCT-97
10:10am

Building: 865 Unit: 0 Room: 151 Locale:

Container ID:	X09012086500597
Container Type:	CONTAINER - NOT DESCRIBED
Original Nbr:	
Status:	A
In Transit:	N
Accumulation Start Date:	
Fill Date:	30-SEP-97
IDC/WFC:	0326
IDC/WFC Description:	MIXED IDC'S LOW LEVEL WASTE OUTSIDE PSZ
EPA Codes:	
Solid/Liquid/Both/Gas:	Solid
Compatibility Codes:	NA
Waste Type:	LLW
RCRA Haz:	N
Rad:	Y
CERCLA:	N
LDR:	N
Container Capacity:	198.36 FT
Waste Volume:	
Gross Weight:	0 (lbs) 0 (kg)
Net Weight:	0 (lbs) 0 (kg)
Process Number:	865-14-1
Event Nbr:	
Rtr Date:	
Rtr Passed:	
Isotopes:	U238 Grams .00000000000
Total Gamma/Neutron	Mr/Hr @ Surface: 1.8 Mr/Hr @ Meter: .2
RCT Employee Nbr:	513926
RCT Date:	07-OCT-97
Asbestos/PCB (A/P/N):	N
Permitted Abatement (Y/N):	
Notes:	

VERIFICATION SIGNATURE_____DATE___/___/___

WEMR_2000

WASTE AND ENVIRONMENTAL MANAGEMENT SYSTEM

CONTAINER ACCURACY REPORT

15-OCT-97
10:10am

Building: 865 Unit: 0 Room: MEZZANINE Locale:

Container ID:	R01500
Container Type:	DRUM - 55 GAL WHITE BUNG (RADIOACTIVE)
Original Nbr:	
Status:	A
In Transit:	N
Accumulation Start Date:	
Fill Date:	
IDC/WFC:	0888
IDC/WFC Description:	EMPTY CONTAINER
EPA Codes:	
Solid/Liquid/Both/Gas:	
Compatibility Codes:	
Waste Type:	EMT
RCRA Haz:	
Rad:	
CERCLA:	
LDR:	
Container Capacity:	7.4 Cu ft
Waste Volume:	
Gross Weight:	0 (lbs) 0 (kg)
Net Weight:	0 (lbs) 0 (kg)
Process Number:	
Event Nbr:	
Rtr Date:	
Rtr Passed:	
Isotopes:	
Total Gamma/Neutron	Mr/Hr @ Surface: 0 Mr/Hr @ Meter: 0
RCT Employee Nbr:	
RCT Date:	
Asbestos/PCB (A/P/N):	
Permitted Abatement (Y/N):	
Notes:	

VERIFICATION SIGNATURE_____ DATE___/___/___

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WASTE AND ENVIRONMENTAL MANAGEMENT SYSTEM

WEMR_2000 15-OCT-97

CONTAINER ACCURACY REPORT 10:10am

Building: 865 Unit: 2308 Room: 172 Locale:

Container ID:	D888960088011 10
Container Type:	DRUM - 55 GAL WHITE OPEN TOP (RADIOACTIVE)
Original Nbr:	
Status:	A
In Transit:	N
Accumulation Start Date:	02-SEP-97
Fill Date:	03-SEP-97
IDC/WFC:	0480
IDC/WFC Description:	LIGHT METAL
EPA Codes:	D006, D008, D010, D011
Solid/Liquid/Both/Gas:	Solid
Compatibility Codes:	NA
Waste Type:	LLM
RCRA Haz:	Y
Rad:	Y
CERCLA:	N
LDR:	Y
Container Capacity:	7.4 Cu ft
Waste Volume:	0.00 GA
Gross Weight:	0 (lbs) 0 (kg)
Net Weight:	0 (lbs) 0 (kg)
Process Number:	865-19-10
Event Nbr:	
Rtr Date:	
Rtr Passed:	
Isotopes:	U238 Grams .00000000000
Total Gamma/Neutron	Mr/Hr @ Surface: 1.6 Mr/Hr @ Meter: .2
RCT Employee Nbr:	511253
RCT Date:	09-SEP-97
Asbestos/PCB (A/P/N):	N
Permitted Abatement (Y/N):	
Notes:	

VERIFICATION SIGNATURE_____DATE___/___/___

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to the applicable requirements of this part, immediately after the waste enters the United States, as indicated below:

(a) A universal waste transporter is subject to the universal waste transporter requirements of subpart D of this part.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subparts B or C, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of subpart E of this part.

Subpart G—Petitions to Include Other Wastes Under 40 CFR Part 273

§ 273.80 General.

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to this part may petition for a regulatory amendment under this subpart and 40 CFR 260.20 and 260.23.

(b) To be successful, the petitioner must demonstrate to the satisfaction of the Administrator that regulation under the universal waste regulations of 40 CFR part 273 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by 40 CFR 260.20(b). The petition should also address as many of the factors listed in 40 CFR 273.81 as are appropriate for the waste or waste category addressed in the petition.

(c) The Administrator will evaluate petitions using the factors listed in 40 CFR 273.81. The Administrator will grant or deny a petition using the factors listed in 40 CFR 273.81. The decision will be based on the weight of evidence showing that regulation under 40 CFR part 273 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

§ 273.81 Factors for petitions to include other wastes under 40 CFR part 273.

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in subpart D of part 261 of this chapter, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in subpart C of part 261 of this chapter. (When a characteristic waste is added to the universal waste regulations of 40 CFR part 273 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 40 CFR 260.10 and 273.6 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of 40 CFR part 273;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to 40 CFR 273.13, 273.33, and 273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or category of waste under 40 CFR part 273 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA.

(g) Regulation of the waste or category of waste under 40 CFR part 273 will improve implementation of and compliance with the hazardous waste regulatory program; and/or

(h) Such other factors as may be appropriate.

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

Subpart A—Definitions

Sec.
279.1 Definitions.

Subpart B—Applicability

279.10 Applicability.
279.11 Used oil specifications.
279.12 Prohibitions.

Subpart C—Standards for Used Oil Generators

279.20 Applicability.
279.21 Hazardous waste mixing.
279.22 Used oil storage.
279.23 On-site burning in space heaters.
279.24 Off-site shipments.

Subpart D—Standards for Used Oil Collection Centers and Aggregation Points

279.30 Do-it-yourselfer used oil collection centers.
279.31 Used oil collection centers.
279.32 Used oil aggregate points owned by the generator.

Subpart E—Standards for Used Oil Transporter and Transfer Facilities

279.40 Applicability.
279.41 Restrictions on transporters who are not also processors or re-refiners.
279.42 Notification.
279.43 Used oil transportation.
279.44 Rebuttable presumption for used oil.
279.45 Used oil storage at transfer facilities.
279.46 Tracking.
279.47 Management of residues.

Subpart F—Standards for Used Oil Processors and Re-Refiners

279.50 Applicability.
279.51 Notification.
279.52 General facility standards.
279.53 Rebuttable presumption for used oil.
279.54 Used oil management.
279.55 Analysis plan.
279.56 Tracking.
279.57 Operating record and reporting.
279.58 Off-site shipments of used oil.
279.59 Management of residues

Subpart G—Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery

279.60 Applicability.
279.61 Restriction on burning.
279.62 Notification.
279.63 Rebuttable presumption for used oil.
279.64 Used oil storage.
279.65 Tracking.
279.66 Notices.
279.67 Management of residues.

Subpart H—Standards for Used Oil Fuel Marketers

279.70 Applicability.
279.71 Prohibitions.
279.72 On-specification used oil fuel.
279.73 Notification.
279.74 Tracking.
279.75 Notices.

Subpart I—Standards for Use as a Dust Suppressant and Disposal of Used Oil

279.80 Applicability.
279.81 Disposal.
279.82 Use as a dust suppressant.

AUTHORITY: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and Sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

SOURCE: 57 FR 41612, Sept. 10, 1992, unless otherwise noted.

Subpart A—Definitions

§ 279.1 Definitions.

Terms that are defined in §§ 260.10, 261.1, and 280.12 of this chapter have the same meanings when used in this part.

Aboveground tank means a tank used to store or process used oil that is not an underground storage tank as defined in § 280.12 of this chapter.

Container means any portable device in which a material is stored, trans-

A

ported, treated, disposed of, or otherwise handled.

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

Existing tank means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. 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 (1) A continuous on-site installation program has begun, or

(2) 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.

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.

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

New tank means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

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

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

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

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

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

Used oil aggregation point means any site or facility that accepts, aggregates, 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 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

Used oil burner means a facility where used oil not meeting the specification requirements in §279.11 is burned for energy recovery in devices identified in §279.61(a).

Used oil collection center means any site or facility that is registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil and accepts/aggregates and stores used oil collected from used oil generators regulated under subpart C of this part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of §279.24. Used oil collection centers may also accept used oil from household do-it-yourselfers.

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

(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 §279.11 of this part.

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

Used oil processor/re-refiner means a facility that processes used oil.

Used oil transfer facility means any transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to §279.20(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this part.

Used oil transporter means any person 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.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993; 59 FR 10559, Mar. 4, 1994]

Subpart B—Applicability

§279.10 Applicability.

This section identifies those materials which are subject to regulation as used oil under this part. This section also identifies some materials that are not subject to regulation as used oil under this part, and indicates whether these materials may be subject to regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter.

(a) *Used oil.* 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 §279.11, the regulations of part apply to used oil, and to mater identified in this section as being ject to regulation as used oil, whet or not the used oil or material exhi any characteristics of hazardous w identified in subpart C of part 26 this chapter.

(b) *Mixtures of used oil and hazar waste*—(1) *Listed hazardous waste.* Mixtures of used oil and hazard waste that is listed in subpart D of 261 of this chapter are subject to re lation as hazardous waste under p 260 through 266, 268, 270, and 124 of chapter, rather than as used oil ur this part.

(ii) *Rebuttable presumption for used* Used oil containing more than 1 ppm total halogens is presumed to hazardous waste because it has b mixed with halogenated hazard waste listed in subpart D of part 26 this chapter. Persons may rebut presumption by demonstrating t the used oil does not contain hazard waste (for example, by using an ana ical method from SW-846, Edition to show that the used oil does not c tain significant concentrations of h genated hazardous constituents lis in appendix VIII of part 261 of chapter). EPA Publication SW- Third Edition, is available from Government Printing Office, Su intendent of Documents, P.O. 371954, Pittsburgh, PA 15250-7954, 512-1800 (document number 955- 00000-1).

(A) The rebuttable presumption d not apply to metalworking oils/fl containing chlorinated paraffins, they are processed, through a toll arrangement as described in §279.24 to reclaim metalworking oils/flu The presumption does apply to me working oils/fluids if such oils/fl are recycled in any other manner, disposed.

(B) The rebuttable presumption d not apply to used oils contamina with chlorofluorocarbons (CFCs) moved from refrigeration units wh the CFCs are destined for reclamati The rebuttable presumption does ap to used oils contaminated with C that have been mixed with used from sources other than refrigerat units.

(2) Characteristic hazardous waste. Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristic identified in subpart C of part 261 of this chapter and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C are subject to:

(i) Except as provided in paragraph (b)(2)(iii) of this section, regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter rather than as used oil under this part, if the resultant mixture exhibits any characteristics of hazardous waste identified in subpart C of part 261 of this chapter; or

(ii) Except as specified in §279.10(b)(2)(iii) regulation as used oil under this part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under subpart C of part 261 of this chapter.

(iii) Regulation as used oil under this part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under §261.21 of this chapter.

(3) *Conditionally exempt small quantity generator hazardous waste.* Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under §261.5 of this chapter are subject to regulation as used oil under this part.

(c) *Materials containing or otherwise contaminated with used oil.* (1) Except as provided in paragraph (c)(2) of this section, materials containing or 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:

(i) Are not used oil and thus not subject to this part, and

(ii) If applicable are subject to the hazardous waste regulations of parts 124, 260 through 266, 268, and 270 of this chapter.

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this part.

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

(d) *Mixtures of used oil with products.* (1) Except as provided in paragraph (d)(2) of this section, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this part.

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

(e) *Materials derived from used oil.* (1) 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:

(i) Not used oil and thus are not subject to this part, and

(ii) Not solid wastes and are thus not subject to the hazardous waste regulations of parts 260 through 266, 268, 270, and 124 of this chapter as provided in §261.3(c)(2)(i) of this chapter.

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

(3) Except as provided in paragraph (e)(4) of this section, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

(i) Not used oil and thus are not subject to this Part, and

(ii) Are solid wastes and thus are subject to the hazardous waste regulations of parts 260 through 266, 268, 270, and 124 of this chapter 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 this part.

(f) *Wastewater.* Wastewater, the discharge of which is subject to regulation under either section 402 or section

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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 this part. 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 not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

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

(2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this part.

(3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this part provided that the used oil constitutes less than 1% 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 this part.

(4) Except as provided in paragraph (g)(5) of this section, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this part onl the used oil meets the specificatio §279.11. Prior to insertion into the troleum refining facility process, used oil is subject to the requireme of this part.

(5) Used oil that is incidentally tured by a hydrocarbon recovery tem or wastewater treatment syst as part of routine process operation a petroleum refining facility and serted into the petroleum refining cility process is exempt from the quirements of this part. This exe tion does not extend to used oil wh is intentionally introduced into a drocarbon recovery system (e.g., pouring collected used oil into waste water treatment system).

(6) Tank bottoms from stock ta containing exempt mixtures of used and crude oil or natural gas liquids exempt from the requirements of t part.

(h) *Used oil on vessels.* Used oil p duced on vessels from normal sh board operations is not subject to t part until it is transported ashore.

(i) *Used oil containing PCBs.* In ad tion to the requirements of 40 CFR p 279, marketers and burners of used who market used oil containing a quantifiable level of PCBs are subj to the requirements found at 40 C 761.20(e).

[57 FR 41612, Sept. 10, 1992, as amended at FR 26425, May 3, 1993; 59 FR 10559, Mar. 1994; 59 FR 10559, Mar. 4, 1994]

§ 279.11 Used oil specifications.

Used oil burned for energy recover and any fuel produced from used oil processing, blending, or other trea ment, is subject to regulation und this part unless it is shown not to e ceed any of the allowable levels of t constituents and properties in the spe ification shown in Table 1. Once us oil that is to be burned for energy r covery has been shown not to exce any specification and the person ma ing that showing complies wit §§279.72, 279.73, and 279.74(b), the us oil is no longer subject to this part.

TABLE 1—USED OIL NOT EXCEEDING ANY SPECIFICATION LEVEL IS NOT SUBJECT TO THIS PART WHEN BURNED FOR ENERGY RECOVERY [1]

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]
NOTE: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).	

[1] The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see § 279.10(b)).

[2] Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under § 279.10(b)(1). Such used oil is subject to subpart H of part 266 of this chapter rather than this part when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993]

§ 279.12 Prohibitions.

(a) *Surface impoundment prohibition.* Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under parts 264 or 265 of this chapter.

(b) *Use as a dust suppressant.* The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in § 279.82(c).

(c) *Burning in particular units.* Off-specification used oil fuel may be burned for energy recovery in only the following devices:

(1) Industrial furnaces identified in § 260.10 of this chapter;

(2) Boilers, as defined in § 260.10 of this chapter, that are identified as follows:

(i) 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;

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

(iii) Used oil-fired space heaters provided that the burner meets the provisions of § 279.23.

(3) Hazardous waste incinerators subject to regulation under subpart O of parts 264 or 265 of this chapter.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993]

Subpart C—Standards for Used Oil Generators

§ 279.20 Applicability.

(a) *General.* Except as provided in paragraphs (a)(1) through (a)(4) of this section, this subpart applies 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 this part.

(2) *Vessels.* Vessels at sea or at port are not subject to this subpart. For purposes of this subpart, 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 this subpart once the used oil is transported ashore. The co-genenerators may decide among them which party will fulfill the requirements of this subpart.

(3) *Diesel fuel.* Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this subpart.

(4) *Farmers.* Farmers who generate an average of 25 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 this part.

(b) *Other applicable provisions.* Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of this part as indicated in paragraphs (b)(1) through (5) of this section:

(1) Generators who transport used oil, except under the self-transport provisions of § 279.24 (a) and (b), must also comply with subpart E of this part.

(2) (i) Except as provided in paragraph (b)(2)(ii) of this section, generators who process or re-refine used oil must also comply with subpart F of this part.

(ii) Generators who perform the following activities are not processors provided that the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel.

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

(B) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to 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;

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

(D) 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 § 279.10(c); or

(E) Filtering, separating or otherwise reconditioning used oil before burning it in a space heater pursuant to § 279.23.

(3) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of § 279.23, must also comply with subpart G of this part.

(4) Generators 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 § 279.11 must also comply with subpart H of this part.

(5) Generators who dispose of used oil, including the use of used oil as a dust suppressant, must also comply with subpart I of this part.

[57 FR 41612, Sept. 10, 1992, as amended at 59 FR 10560, Mar. 4, 1994]

§ 279.21 Hazardous waste mixing.

(a) Mixtures of used oil and hazardous waste must be managed in accordance with § 279.10(b).

(b) The rebuttable presumption for used oil of § 279.10(b)(1)(ii) applies to used oil managed by generators. Under the rebuttable presumption for used oil of § 279.10(b)(1)(ii), used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste and thus must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils/fluids and certain used oils removed from refrigeration units.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993]

§ 279.22 Used oil storage.

Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (40 CFR part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

(a) *Storage units.* Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under parts 264 or 265 of this chapter.

(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 envi-

(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 § 279.72(a).

(c) *Record retention.* The records described in paragraphs (a) and (b) of this section must be maintained for at least three years.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

§ 279.75 Notices.

(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 must obtain a one-time written and signed notice from the burner certifying that:

(1) The burner has notified 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 § 279.61(a).

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

Subpart I—Standards for Use as a Dust Suppressant and Disposal of Used Oil

§ 279.80 Applicability.

The requirements of this subpart apply to all used oils that cannot be recycled and are therefore being disposed.

§ 279.81 Disposal.

(a) *Disposal of hazardous used oils.* Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this part must be managed in accordance with the hazardous waste management requirements of parts 260 through 266, 268, 270 and 124 of this chapter.

(b) *Disposal of nonhazardous used oils.* Used oils that are not hazardous wastes and cannot be recycled under this part must be disposed in accordance with the requirements of parts 257 and 258 of this chapter.

§ 279.82 Use as a dust suppressant.

(a) The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in paragraph (c) of this section.

(b) A State may petition (e.g., as part of its authorization petition submitted to EPA under § 271.5 of this chapter or by a separate submission) EPA to allow the use of used oil (that is not mixed with hazardous waste and does not exhibit a characteristic other than ignitability) as a dust suppressant. The State must show that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use as a dust suppressant on the environment.

(c) *List of States.* [Reserved]

PART 280—TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS (UST)

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APPENDICES TO PART 280

APPENDIX I TO PART 280—NOTIFICATION FOR UNDERGROUND STORAGE TANKS (FORM)
APPENDIX II TO PART 280—LIST OF AGENCIES DESIGNATED TO RECEIVE NOTIFICATIONS
APPENDIX III TO PART 280—STATEMENT FOR SHIPPING TICKETS AND INVOICES

AUTHORITY: 42 U.S.C. 6912, 6991, 6991a, 6991b, 6991c, 6991d, 6991e, 6991f, and 6991h.

SOURCE: 53 FR 37194, Sept. 23, 1988, unless otherwise noted.

Subpart A—Program Scope and Interim Prohibition

§ 280.10 Applicability.

(a) The requirements of this part apply to all owners and operators of an UST system as defined in § 280.12 except as otherwise provided in paragraphs (b), (c), and (d) of this section. Any UST system listed in paragraph (c) of this section must meet the requirements of § 280.11.

(b) The following UST systems are excluded from the requirements of this part:

(1) Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances.

(2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act.