

7045.0855 STANDARDS FOR USED OIL GENERATORS.

Subpart 1. **Applicability.** Except as provided in items A to C, this part applies to all used oil generators, owners and operators of do-it-yourselfer used oil collection centers, owners and operators of used oil collection centers, and owners and operators of used oil aggregation points. All of these parties may accept do-it-yourselfer used oil.

A. Do-it-yourselfer used oil generators are not subject to parts 7045.0790 to 7045.0990.

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

C. Farmers who generate an average of no more than 25 gallons per month of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of parts 7045.0790 to 7045.0990, except for parts 7045.0845, subpart 1, and 7045.0990, subpart 2.

Subp. 2. Storage.

A. Used oil generators shall comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this part. Used oil generators shall also comply with the underground storage tank standards of chapter 7150 for used oil stored in underground tanks, whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil generators who store used oil in aboveground tanks are subject to chapter 7151, in addition to the requirements of this part. Used oil generators who store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and response plan, in addition to the requirements of this part. All used oil generators shall comply with the storage and use requirements of the Minnesota State Fire Code, chapter 7510, in addition to the requirements of this part.

C. Used oil generators shall not store used oil in units other than containers or tanks and must ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at generator sites must be in good condition and not leaking. Containers must be closed, except for containers that receive used oil directly from used oil filter crushing equipment or oil and water separation equipment.

Containers must be placed on a surface that is reasonably impervious to used oil. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at generator sites must be marked with the words "Used Oil."

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart F, as amended, a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A generator who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 3. **On-site burning in small burning units designed to burn used oil.** Generators who store used oil in vessels directly connected to burning units shall comply with the Minnesota State Fire Code, chapter 7510. Generators may burn used oil in burning units designed to burn used oil provided that:

A. the unit burns used oil that the owner or operator generates, do-it-yourselfer used oil, used oil proven to be on-specification under part 7045.0840, or used oil aggregated at the site where the unit is located if the site is a used oil aggregation point;

B. the unit burns used oil for energy recovery;

C. the unit is designed to have a maximum capacity of not more than 0.5 million Btus per hour;

D. the combustion gases from the unit are vented to the out-of-doors; and

E. the unit and its operation comply with the Minnesota Fire Code.

Subp. 4. **Off-site shipments.** Except as provided in items A and B, generators must ensure that their used oil is transported only by transporters who have obtained identification numbers.

A. Generators may, without notifying the EPA that they are transporting used oil, transport used oil that is generated at the generator's site; used oil generated at another site by the generator, such as used oil generated by contractors at other businesses from servicing equipment; and do-it-yourselfer used oil to a used oil collection center or a used oil aggregation point owned by the generator provided that the generator transports no more than 55 gallons of used oil at any time in a vehicle owned by the generator or owned by an employee of the generator.

B. Used oil generators may arrange for used oil to be transported by a transporter without an identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor/rerefiner to the generator for use as a lubricant, cutting oil, or coolant. The tolling arrangement contract must indicate

the type of oil and the frequency of shipments, that the vehicle used to transport the used oil to the processing/rerefining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/rerefiner, and that the reclaimed oil will be returned to the generator.

C. Used oil generators must keep records, for example, receipts or a log, of every shipment of used oil leaving the generator site. Records for each shipment must include the quantity of used oil shipped, the date of the shipment, and the name and identification number of the transporter, if applicable. Used oil generators must maintain these records at the generator site or at the offices of the generator for sites that are not staffed by the generator for a minimum of three years from the date of shipment.

Subp. 5. Hazardous waste mixing.

A. Generators shall not mix hazardous waste with used oil, except as provided in part 7045.0800. The rebuttable presumption of part 7045.0800, subpart 3, applies to used oil managed by generators.

B. Generators that mix hazardous waste with used oil under part 7045.0800 must keep records for each act of mixing of the dates the mixing was performed, the amounts of used oil and hazardous waste mixed together, and the results of any analyses used to determine if the used oil is classified as hazardous waste under part 7045.0800. Hazardous waste mixed with used oil under part 7045.0800 is not exempt from the generator size determination requirements of part 7045.0206, subpart 5, item C.

Subp. 6. Closure.

A. Generators who store or process used oil in aboveground tanks must to the extent practical, at closure of the tank system, remove or decontaminate visible residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0155.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0155.

Subp. 7. Other applicable provisions. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of parts 7045.0790 to 7045.0990 as indicated in items A to D.

A. Generators who transport used oil, except under subpart 4, item A, must also comply with part 7045.0865.

B. Except as provided in this item, generators who process or rerefine used oil must also comply with part 7045.0875. Generators or agents of generators who perform the following activities are not processors provided the used oil is generated on site: on-site filtering, cleaning, or otherwise reconditioning used oil before on site reuse by the generator; separating used oil from wastewater generated on site to make the wastewater acceptable for discharge or reuse pursuant to section 307(b) or 402 of the Clean Water Act or other applicable federal or state regulations governing the management or discharge of wastewaters; using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation; 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 part 7045.0805; and filtering, separating, or otherwise reconditioning used oil before burning in accordance with subpart 3.

C. Generators who burn off-specification used oil for energy recovery, except under the on-site burner provisions of subpart 3 must also comply with part 7045.0885.

D. Generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned meets the used oil fuel specifications in part 7045.0840 must also comply with part 7045.0895.

Statutory Authority: *MS s 116.07*

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