

7045.0895 STANDARDS FOR USED OIL FUEL MARKETERS.

Subpart 1. **Applicability.** Any person who conducts either of the following activities is subject to the requirements of this part:

A. any person who directs a shipment of off-specification used oil from their facility to a used oil burner; or

B. any person who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0840.

Subp. 2. **Persons who are not marketers.** The following persons are not marketers subject to this part:

A. 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/rerefiners 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/rerefiners who incidentally burn used oil are not marketers subject to this part;

B. persons who direct shipments of on-specification used oil and who are not the first to claim the oil meets the used oil specifications of part 7045.0840; and

C. used oil generators who direct shipments of used oil to used oil aggregation points which burn used oil in burning units in accordance with part 7045.0865, subpart 4.

Subp. 3. **Prohibitions.** A used oil fuel marketer must initiate a shipment of off-specification used oil only to a burner who has an identification number and burns used oil in an industrial furnace or boiler identified in part 7045.0885, subpart 2, or to a burner who burns used oil in marine or diesel engines.

Subp. 4. **On-specification used oil fuel.** Analysis of used oil fuel. A generator, transporter, processor/rerefiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of part 7045.0840 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. Persons claiming that used oil meets the specifications of part 7045.0840 must keep copies of analyses of the used oil or other information used to make the determination for at least three years.

Subp. 5. **Notification.** Used oil fuel marketers who have not notified the EPA that they are marketers of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil marketing activities.

Subp. 6. Tracking.

A. 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 a used oil 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 name and address of the transporter who delivers the used oil to the burner; the name and address of the burner who will receive the used oil; the identification number of the transporter who delivers the used oil to the burner; the identification number of the burner; the quantity of used oil shipped; and the date of shipment.

B. A generator, transporter, processor/rerefiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under part 7045.0840 must keep records of each shipment of used oil to an on-specification used oil burner. Records must include the following information: the name and address of the facility receiving the shipment; the quantity of used oil fuel delivered; the date of shipment or delivery; and a cross-reference to the record of used oil analyses or other information used to make the determination that the used oil meets the specification as required in subpart 4. These records must be maintained by the person making the claim that the oil is on-specification for at least three years.

Subp. 7. Notices and certification. Before a used oil generator, transporter, or processor/rerefiner directs the first shipment of off-specification used oil fuel to a burner, that person must obtain a one-time written and signed notice from the burner certifying that the burner has notified EPA stating the location of the burning facility and a general description of used oil management activities at the burning facility, and that the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subpart 2. This certification must be maintained by the person who obtains the certification for at least three years from the date the last shipment of off-specification used oil is shipped to the burner.

Subp. 8. Other applicable provisions. Any person subject to the requirements of this part must also comply with one of the following:

- A. part 7045.0855, standards for used oil generators;
- B. part 7045.0865, standards for used oil transporters and transfer facilities;
- C. part 7045.0875, standards for used oil processors and rerefiners;
- D. part 7045.0885, standards for used oil burners who burn off-specification used oil for energy recovery.

Statutory Authority: *MS s 116.07*

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