

***Subchapter 8: USED OIL MANAGEMENT STANDARDS*****§ 7-801 PURPOSE AND APPLICABILITY**

This subchapter provides an alternative to managing used oil as hazardous waste; it identifies those materials that may (and those that may not) be managed as used oil, and establishes standards for their handling, storage, transport, aggregation, collection, and burning as fuel. This subchapter presumes that used oil is reused, processed or burned for energy recovery. Since used oil that meets fuel burning specifications has value without prior processing; this subchapter distinguishes used oil fuel from used oil by allowing used oil fuel to be managed according to abbreviated standards. Used oil that is to be disposed of cannot be managed under this subchapter and must be evaluated to determine if it is subject to regulation as hazardous waste. Unless being managed as a hazardous waste, all used oil is subject to regulation under this subchapter.

The following rules incorporate provisions and exemptions from other environmental protection rules promulgated under the authority of 10 V.S.A. chapters 59 and 159.

**§ 7-802 DEFINITIONS**

Terms defined in § 7-103 of these regulations or in **40 CFR Parts 260 through 270 and Part 279** have the same meaning when used in this subchapter. For the purposes of this subchapter, the terms listed below are defined as follows:

**“Burner”** means a person who burns used oil fuel for energy recovery.

**"Do-it-yourselfer used oil"** means used oil that is derived from households, such as used oil generated by individuals through the maintenance of their personal vehicles.

**"Do-it-yourselfer used oil generator"** or **"do-it-yourselfer"** means an individual who generates "do-it-yourselfer used oil".

**"Marketer"** means any person, with the exception of do-it-yourselfers, who conducts either of the following activities:

- (a) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
- (b) With the exception of used oil generators, and transporters who transport used oil received only from generators, any person who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in **Table 1 of § 7-812(c)**.

**"Off-specification used oil"** is used oil that exceeds any maximum allowable level or that does not meet any minimum allowable level listed in **Table 1 of § 7-812(c)**.

**"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 used oil fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

**"Small fuel burning equipment"** means fuel burning equipment with a maximum operating heat input equal to or less than 500,000 BTU per hour.

**Note:** For provisions in this subchapter related to "small fuel burning equipment," the maximum operating heat input of all fuel burning equipment designated for burning used oil at a single location may not combine to more than 500,000 BTU per hour. If this threshold is exceeded, the "small fuel burning equipment" provisions of this subchapter no longer apply, and the fuel burning equipment is subject to the Vermont Air Pollution Control Regulations which include a requirement to demonstrate a minimum combustion efficiency of 99%.

**"Specification used oil"** is any used oil that does not exceed any maximum allowable level, and meets the minimum allowable levels listed in **Table 1 of § 7-812(c)**.

**"Used Oil"** means any petroleum product that has been refined from crude oil (in whole or in part), or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. Used oil is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees (F). Used oil includes oils used as lubricants, heat transfer fluids, hydraulic fluids, and for other similar uses, but does not include materials derived from crude or synthetic oils that are fuels (e.g., gasoline, jet fuel and diesel fuel), cleaning agents or solvents (e.g., naphtha or mineral spirits). These materials are subject to regulation under **subchapters 1 through 7**, as applicable.

**"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 do-it-yourselfer generated used oil.

**"Used Oil Collection Facility"** means any facility or site that accepts/aggregates and stores used oil collected from used oil generators who bring used oil to the collection facility in shipments of no more than 55 gallons. Used oil collection facilities may also accept used oil from do-it-yourselfers.

**"Used Oil Fuel"** means used oil shown to meet the **Table 1** specifications in accordance with **§ 7-812(c)** and that is burned for energy recovery.

**"Used Oil Generator"** means any person, by site, whose act or process produces used oil that is not "do-it-yourselfer used oil" or whose act first causes used oil to become subject to regulation.

**"Used Oil Handler"** means any person subject to **§§ 7-807 through 7-813** of this subchapter.

"**Used Oil Processor**" 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. Transfer facilities that store used oil for more than 35 days are subject to the used oil processor requirements of § 7-813.

"**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.

"**Vaporizing Used-Oil Burning Equipment**" means any equipment which generates heat by the introduction of fuel onto a heated device to produce vapors which are then burned for heat recovery.

**§ 7-803 PROHIBITIONS**

The following uses or activities are prohibited:

- (a) The mixing of hazardous wastes with used oil, with the exception that used oil may be mixed with waste that 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;
- (b) The use of any used oil for road oiling or dust suppression;
- (c) Burning off-specification used oil in small fuel burning equipment;
- (d) Burning used oil for firefighter training;
- (e) Burning used oil for energy recovery in any food product processing unless approved by the Secretary in writing;
- (f) The sale or use of vaporizing used-oil burning equipment;
- (g) Management of used oil in anything other than containers or tanks as specified under § 7-806 unless the units are subject to regulation under **subchapter 5** of these regulations;
- (h) Pursuant to **10 V.S.A. § 6621a**, the knowing disposal of used oil in a solid waste landfill; and
- (i) Pursuant to **10 V.S.A. § 6616**, the release of hazardous material (including used oil) into the surface or groundwater, or onto the land of the state.

**§ 7-804** EXEMPTIONS

- (a) Do-it-yourselfers who produce used oil (specification or off-specification) are exempt from the provisions of this subchapter. Once do-it-yourselfer used oil is accepted by a used oil aggregation point, collection facility, marketer, burner, or processor, the used oil is subject to regulation under this subchapter.
- (b) Small fuel burning equipment, in use prior to January 1, 1994, is exempt from **§ 5-261 of the Air Pollution Control Regulations**.
- (c) Used oil generated from normal shipboard operations, aboard vessels at sea, lake, or river or at port, is considered to be generated at the time it is transported ashore and is not subject to the requirements of this subchapter until 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 oil in compliance with the requirements of this subchapter once the used oil is transported ashore. The co-generators may decide among them which party will fulfill the requirements of this subchapter.
- (d) Farmers who, in a calendar year, generate an average of 25 gallons per month or less of used oil from vehicles or machinery used on the farm are not subject to the requirements of this subchapter.
- (e) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to the requirements of this subchapter.
- (f) Wastewater, the discharge of which is subject to regulation under either **§ 402 or § 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 is not subject to the requirements of this subchapter. 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, and will not apply to used oil recovered from wastewaters.
- (g) Used oil that is to be burned for energy recovery (i.e., "used oil fuel") in small fuel burning equipment provided:
  - (1) The requirements of **§ 7-812(a)** are met, and the used oil has been shown to meet the **Table 1** specifications in accordance with **§§ 7-812(c)(1) through (3)**;
  - (2) The person making that showing complies with any applicable marketer requirements of **§ 7-809**; and

- (3) The used oil is managed in accordance with the general used oil management standards of § 7-806.

### § 7-805 USED OIL DETERMINATION

This section identifies those materials that may be managed as used oil or used oil fuel under this subchapter. It also identifies certain materials that cannot be managed as used oil and indicates whether they may be subject to regulation as hazardous waste.

- (a) Used oil drained, separated, or removed from materials containing or otherwise contaminated with used oil may be managed as used oil under this subchapter.
- (b) 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 are not used oil, and are subject to the hazardous waste determination requirement of § 7-303.

**Note:** These materials may be subject to regulation as hazardous waste if the criteria for the VT02 hazardous waste code listed under § 7-211 are met and/or they exhibit a hazardous characteristic.

- (c) Mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this subchapter.
- (d) Used oil that contains PCBs at any concentration less than 50 parts per million may be managed as used oil under this subchapter unless, because of dilution, it is regulated under **40 CFR Part 761** as a used oil containing PCBs at 50 parts per million or greater. Used oil containing PCBs at concentrations equal to or greater than 50 parts per million is subject to regulation both as hazardous waste under § 7-211/VT01 (unless it is exempt pursuant to § 7-203(t)), and under **40 CFR Part 761**. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in this subchapter or **40 CFR Part 761**. PCB-containing used oil subject to the requirements of this subchapter may also be subject to the prohibitions and requirements found at **40 CFR Part 761, including 40 CFR §§ 761.20(d) and (e)**.
- (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 this subchapter, and
- (B) Not hazardous wastes and thus are not subject to the remainder of these regulations.

- (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 subchapter.
  - (3) Except as provided in § 7-804(e), materials derived from used oil that are disposed of or used in a manner constituting disposal are not used oil, and are subject to the hazardous waste determination requirement of § 7-303 and to management as a hazardous waste when applicable.
- (f) Rebuttable presumption

Used oil containing more than 1,000 parts per million total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in §§ 7-210 through 7-215 of these regulations. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix II of these regulations). The rebuttable presumption does not apply to:

- (1) Metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 7-807(e), 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) 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.

**§ 7-806 GENERAL USED OIL MANAGEMENT STANDARDS**

With the exception of do-it-yourselfers, the following requirements and standards apply to all used oil handlers:

- (a) Used oil shall be stored only in containers or tanks as specified by **subsections (b) through (d) of this section**.
- (b) Containers holding used oil shall be managed as follows:
  - (1) Containers shall be kept closed at all times, except when adding or removing used oil;
  - (2) A container holding used oil must not be opened, handled or stored in a manner which may rupture the container or cause a release. If a container begins to leak, the used oil must immediately be transferred from the leaking container to a container that is in good condition, or the used oil shall be managed in some other way that complies with the requirements of this section;

- (3) A container holding used oil must be made of or lined with materials which will not react with and are otherwise compatible with used oil;
  - (4) Containers holding used oil must be in good condition (no severe rusting, apparent structural defects or deterioration);
  - (5) Containers holding used oil must be labeled or marked with the words "Used Oil" or "Used Oil Fuel," as appropriate, such that the label or marking is visible;
  - (6) Containers holding used oil must be stored on an impervious surface;
  - (7) A container holding used oil may be stored out-of-doors only if the container is placed within a structure that sheds rain and snow; and
  - (8) A container holding a mixture of used oil and water shall be placed within a structure that protects the container from freezing.
- (c) Underground storage tanks (USTs) holding used oil shall be managed as follows:
- (1) An UST holding used oil must be permitted, operated, and maintained in accordance with the Vermont Underground Storage Tank Regulations;
  - (2) Fill pipes used to transfer used oil into an UST must be marked or labeled to clearly indicate used oil storage; and
  - (3) Any residue removed from within an UST system being used (or that was last used) to hold used oil, that is generated as a result of normal operation, maintenance or closure of the UST and that cannot be managed as used oil under this subchapter, must be evaluated to determine if it is a hazardous waste and managed as a hazardous waste when applicable.
- (d) Above-ground storage tanks (including unregistered tank trailers) holding used oil shall be:
- (1) Installed and operated in accordance with Vermont Department of Labor Standards.
  - (2) Clearly marked with the words "Used Oil" or "Used Oil Fuel," as appropriate.
  - (3) Managed in such a manner as to prevent rupture of the tank and to ensure that no release occurs. If a tank begins to leak, the owner or operator must immediately either transfer the used oil from that tank to another tank or to containers that are in good condition, or manage the used oil in some other way that complies with the requirements of this section.
  - (4) If located out-of-doors, equipped with secondary containment as specified in **40 CFR §§ 279.45(e) and (f)**.

(e) Response to a Release of Used Oil

- (1) Upon detection of a release of used oil to the environment that is not subject to the requirements of **40 CFR Part 280 Subpart F** (Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances), a used oil handler must perform the following cleanup steps:
  - (A) Stop the release;
  - (B) Contain the released used oil;
  - (C) Clean up and manage properly the released used oil and other materials so that they no longer present a hazard to human health or the environment; and
  - (D) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

**Note:** Clean-up materials may be subject to regulation as hazardous waste if the criteria for the VT02 hazardous waste code listed under § 7-211 are met and/or they exhibit a hazardous characteristic.

- (2) A release of two (2) gallons or more of used oil to the lands or surface waters of the state shall be immediately reported to the Secretary by the person or persons exercising control of such oil by calling the Waste Management & Prevention Division at (802) 828-1138, Monday through Friday, 7:45 a.m. to 4:30 p.m. or the Department of Public Safety, Emergency Management Division at (800) 641-5005, 24 hours/day.
- (3) A written report shall be submitted to the Secretary within ten (10) days following any release subject to **subsection (e)(2) of this section**. The report should be sent to: The Vermont Department of Environmental Conservation, Waste Management & Prevention Division, 1 National Life Drive – Davis 1, Montpelier, VT 05620-3704.

**Note:** Under the Federal Water Pollution Control Act, certain discharges of “oil” are prohibited and must be reported pursuant to the requirements of **40 CFR Part 110 / Discharge of Oil**.

- (f) Used oil handlers are subject to all applicable Spill Prevention, Control and Countermeasure requirements of **40 CFR Part 112**.

(g) Disposal of Used Oil

The following requirements apply to used oils that cannot be processed or burned for energy recovery and therefore must be disposed of:

- (1) Used oils that cannot be recycled under this subchapter must be evaluated in accordance with the hazardous waste determination requirement of § 7-303 and managed as a hazardous waste when applicable.
- (2) Used oils that cannot be processed or burned for energy recovery under this subchapter and that are not hazardous wastes must be disposed in accordance with Vermont's Solid Waste Management Regulations.

**Note:** “Waste oil” is banned from landfill disposal under **10 V.S.A. § 6621a**. For the purposes of this note, “waste oil” means “used oil” (i.e., used oil is banned from landfill disposal).

**§ 7-807 STANDARDS FOR USED OIL GENERATORS**

- (a) This section applies to all used oil generators as defined under § 7-802 of this subchapter.
- (b) Used oil generators shall comply with the general standards set forth under § 7-806, and the following, as applicable:
  - (1) The marketer standards set forth under § 7-809; and
  - (2) The standards for burning used oil for energy recovery set forth under § 7-812.
- (c) Except as provided in **subsections (d) and (e) of this section**, used oil generators must ensure that their used oil is transported only by transporters who are permitted according to the requirements of § 7-811(b)(2).
- (d) A used oil generator may transport used oil that is either generated at the used oil generator's site or collected from household do-it-yourselfers to a used oil collection facility or an aggregation point without complying with the transporter requirements of § 7-811, provided that:
  - (1) The used oil is transported in a vehicle owned by the used oil generator or a vehicle owned by an employee of the used oil generator;
  - (2) Containers used to transport used oil must meet the standards set forth under § 7-806(b), and the applicable Department of Transportation regulations of **49 CFR Parts 173, and 178**;
  - (3) No more than 55 gallons of used oil is transported at any time; and
  - (4) The used oil is transported to either a used oil collection facility or to an aggregation point as defined under § 7-802.

(e) Tolling arrangements

A used oil generator may arrange for used oil to be transported by a transporter without an EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor 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.

(f) Used oil generators who transport more than 55 gallons of used oil at one time must comply with the transporter requirements of § 7-811.

(g) Except as provided in **subsections (g)(1)(A) through (E) of this section**, used oil generators who process used oil shall comply with the requirements of § 7-813.

(1) Used oil 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 used oil generator;
- (B) Separating used oil from wastewater generated on-site, to make the wastewater acceptable for discharge or reuse pursuant to § 402 or § 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 § 7-805; or
- (E) Filtering, separating or otherwise reconditioning used oil before burning it in small fuel burning equipment pursuant to § 7-812.

(h) Used oil generators who provide used oil or used oil fuel to an off-site facility shall retain records which document the amount of used oil or used oil fuel provided, the date of each

shipment, and the name, address, and telephone number of the facility to which the used oil or used oil fuel was provided for a period of three years.

**§ 7-808 STANDARDS FOR USED OIL AGGREGATION POINTS**

- (a) This section applies to owners or operators of used oil aggregation points as defined under **§ 7-802** of this subchapter.
- (b) Owners or operators of used oil aggregation points shall comply with the generator standards set forth under **§ 7-807** of this subchapter.

**§ 7-809 STANDARDS FOR USED OIL FUEL MARKETERS**

- (a) This section applies to marketers as defined under **§ 7-802**.
- (b) Persons who market used oil fuel shall notify the Secretary of such activity and obtain an EPA identification number using a **Vermont Hazardous Waste Handler Site ID Form** provided by the Secretary pursuant to the requirements of **§ 7-104**.
- (c) Marketers initiating or accepting a shipment of used oil fuel must maintain the following records for a minimum of three years:
  - (1) Copies of all test results applicable to the shipment of used oil fuel, and/or documentation of total halogen field screening results as required under **§ 7-812(c)**; and
  - (2) An operating log for all shipments of used oil fuel that includes the following information:
    - (A) The name, EPA identification number, and address of the facility to which used oil fuel is sent or from which used oil fuel is received;
    - (B) The quantity of used oil fuel shipped or received;
    - (C) The date of shipment or delivery; and
    - (D) The name, EPA identification number, and address of the transporter.
  - (3) The certification required by **subsection (f)(2) of this section**.
- (d) A marketer who stores used oil fuel shall manage his or her facility in accordance with the general standards set forth under **§ 7-806**.

- (e) Marketers shall comply with the following, as applicable:
  - (1) The used oil generator standards set forth under § 7-807;
  - (2) The used oil collection facility standards set forth under § 7-810;
  - (3) The used oil transporter standards set forth under § 7-811;
  - (4) The standards for burning used oil fuel for energy recovery set forth under § 7-812; and
  - (5) The used oil processor standards set forth under § 7-813.
- (f) Off-specification used oil
  - (1) A marketer may initiate a shipment of off-specification used oil only to a used oil burner that meets the requirements of § 7-812(d).
  - (2) Before a marketer directs the first shipment of off-specification used oil to a burner, the marketer must obtain a one-time written and signed notice from the burner certifying that:
    - (A) The burner has notified EPA stating the location and general description of used oil management activities; and
    - (B) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in 40 CFR § 279.61(a).

**§ 7-810 STANDARDS FOR USED OIL COLLECTION FACILITIES**

- (a) This section applies to owners or operators of used oil collection facilities as defined under § 7-802 of this subchapter.
- (b) Persons who own or operate a used oil collection facility shall notify the Secretary of such activity and obtain an EPA identification number using a **Vermont Hazardous Waste Handler Site ID Form** provided by the Secretary pursuant to the requirements of § 7-104 of these regulations.
- (c) The owner or operator of a used oil collection facility shall manage such facility in accordance with the general standards set forth under § 7-806, and the following, as applicable:
  - (1) The generator standards set forth under § 7-807;
  - (2) The marketer standards set forth under § 7-809;

- (3) The standards for burning used oil for energy recovery set forth under § 7-812; and
  - (4) The processor standards set forth under § 7-813.
- (d) Used oil collection facilities shall be equipped with a fire extinguisher or other fire-control equipment, and spill control equipment to assure containment of used oil in the event of a release.

**§ 7-811 STANDARDS FOR USED OIL TRANSPORTERS**

- (a) This section applies to used oil transporters as defined under § 7-802 of this subchapter.
- (b) With the exception of persons transporting used oil on-site, do-it-yourselfers, used oil generators self-transporting up to 55 gallons of used oil according to the provisions of § 7-807(d), and persons transporting used oil pursuant to tolling agreements that meet the requirements of § 7-807(e), persons transporting used oil must comply with the following:
  - (1) Used oil transporters shall notify the Secretary of such activity and obtain an EPA identification number using a **Vermont Hazardous Waste Handler Site ID Form** provided by the Secretary pursuant to the requirements of §§ 7-104 and 7-406(d)(1) and (2).
  - (2) Used oil transporters shall obtain a permit from the Secretary according to the requirements of **subchapter 4** of these regulations.
  - (3) Used oil transporters who operate transfer facilities shall comply with the requirements of **40 CFR § 279.45** (Used Oil Storage at Transfer Facilities).
  - (4) Used oil transporters shall comply with all applicable requirements under the U.S. Department of Transportation regulations in **49 CFR Parts 171 through 180**. Persons transporting used oil that meets the definition of a hazardous material in **49 CFR § 171.8** must comply with all applicable regulations in **49 CFR Parts 171 through 180**.
  - (5) Rebuttable presumption for used oil
    - (A) To ensure that used oil is not a hazardous waste under the rebuttable presumption of § 7-805(f), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 parts per million. The transporter must make this determination by:
      - (i) Testing the used oil; or

- (ii) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- (B) Records of testing conducted or information used to comply with **subsection (b)(5)(A) of this section** must be maintained by the transporter for at least 3 years.
- (6) In addition to the above, used oil transporters are subject to the following, as applicable:
  - (A) The general standards set forth under **§ 7-806**;
  - (B) The generator standards set forth under **§ 7-807**;
  - (C) The marketer standards set forth under **§ 7-809**;
  - (D) The standards for burning used oil for energy recovery set forth under **§ 7-812**; and
  - (E) The processor standards set forth under **§ 7-813**.

**Note: Subsection (b) of this section** applies to the transportation of collected do-it-yourselfer used oil from regulated used oil generators, collection facilities, aggregation points, or other facilities where do-it-yourselfer used oil is collected.

- (c) Used oil transporters may consolidate or aggregate loads of used oil for the purposes of transportation but, with the following exceptions, may not process used oil unless the processor standards set forth under **§ 7-813** are met.
  - (1) 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.
  - (2) Transporters may remove used oil from oil bearing electrical transformers and turbines and filter that used oil prior to returning it to its original use.
- (d) Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in **§ 7-805**.
- (e) Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of this section from the time the used oil enters and until the time it exits Vermont.

- (f) Unless trucks previously used to transport hazardous waste are emptied as described in § 7-203(j) of these regulations prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste.
- (g) A used oil transporter shall deliver used oil to:
  - (1) Another used oil transporter, provided that the transporter is permitted as specified by **subsection (b)(2) of this section**, and has obtained an EPA identification number; or
  - (2) A used oil collection facility that has obtained an EPA identification number, in shipments of no more than 55 gallons; or
  - (3) A used oil burner or processing facility which has been assigned an EPA identification number.
- (h) Used oil transporters shall maintain, for a period of three years, an operating log that documents the following information for each used oil shipment made:
  - (1) The name, address, and EPA identification number (if one is required) of the used oil generator, collection facility, transporter, or processor who provided the used oil for transport;
  - (2) The quantity of used oil accepted;
  - (3) The date that the transporter accepts a shipment of used oil for transport, and the name and signature of the person representing the used oil generator, transporter, or processor who offered the used oil for transport;
  - (4) The name, address, and EPA identification number (if one is required) of the used oil collection facility, transporter, burner, or processor to which the used oil was delivered;
  - (5) The quantity of used oil delivered; and
  - (6) The date of delivery and the name and signature of the person representing the used oil collection facility, transporter, burner, or processor who received the used oil.
- (i) Response to Releases of Used Oil during Transport
  - (1) In the event of a release of used oil during transport, a used oil transporter shall comply with the release response requirements of § 7-806(e).
  - (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 EPA identification numbers.

- (3) An air, rail, highway, or water transporter who has discharged used oil must:
  - (A) Give notice, if required by **49 CFR § 171.15** to the National Response Center (800-424-8802 or 202-426-2675); and
  - (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.
- (4) A water transporter who has discharged used oil must give notice as required by **33 CFR § 153.203**.
- (j) A used oil transporter shall report to the Secretary as required by **§ 7-406(d)(5)**.

**§ 7-812 STANDARDS FOR BURNING USED OIL FUEL FOR ENERGY RECOVERY**

- (a) Any person burning used oil fuel for energy recovery in small fuel burning equipment is subject to the following:
  - (1) The types of used oil which may be burned as fuel in small fuel burning equipment is limited to:
    - (A) Used motor vehicle crankcase oil, transmission fluid, hydraulic oil or machine gearbox oil that meets the specifications listed in **Table 1** of this section;
    - (B) Mixtures of virgin fuel oil and specification used motor vehicle crankcase oil, transmission fluid, hydraulic oil or machine gearbox oil; and
    - (C) Types of specification used oil other than those listed in **subsections (a)(1)(A) and (B) of this section** that have been approved by the Secretary. Approval shall be granted on a case-by-case basis following the review by the Secretary of relevant material safety data information, if available, and a narrative description of the process generating the used oil.
  - (2) Specification used oil fuel from the following sources may be burned in small fuel burning equipment:
    - (A) On-site;
    - (B) Do-it-yourselfers;
    - (C) An off-site facility that is owned or operated by the burner;

- (D) An off-site facility that is not owned or operated by the burner provided the burner retains records for a period of three years which document the amount of used oil fuel accepted; the name, address, and telephone number of the facility from which the used oil fuel was accepted; and the specification testing results for the used oil fuel.
- (3) The combustion gases from burning used oil fuel in small fuel burning equipment must be vented to ambient air.
- (4) The owner or operator of any facility that burns used oil fuel in small fuel burning equipment shall maintain records for a period of three years documenting that the used oil fuel has been evaluated in accordance with **subsection (c) of this section**.
- (b) Any person burning or proposing to burn used oil fuel in fuel burning equipment other than small fuel burning equipment shall:
  - (1) Comply with §§ 5-221(2) and 5-261 of the Vermont Air Pollution Control Regulations; and
  - (2) Maintain records for a period of three years documenting:
    - (A) The amount of used oil fuel burned on-site; and
    - (B) That the used oil fuel has been evaluated in accordance with **subsection (c) of this section**.
- (c) Used Oil Fuel Specifications
  - (1) Used oil fuel that is marketed or burned for energy recovery must be evaluated to determine if it meets the specifications listed in **Table 1** of this section as follows:
    - (A) Used oil generators that burn their own used oil on-site, or that burn off-site generated used oil received in shipments of less than or equal to 55 gallons, in small fuel burning equipment, must initially test the used oil from each source for total halogens. If there is reason to believe that any of the remaining **Table 1** specifications would not be met by a volume of used oil, the used oil generator must test the used oil for any suspected constituents or properties.
    - (B) Any used oil fuel delivered to burners in shipments greater than 55 gallons, must be initially tested to establish that all of the **Table 1** specifications are met.

**Note:** Field screening test kits may be used to determine if the allowable level for total halogens specified in **Table 1** is met.

- (2) Used oil fuel from a specific source must be re-tested if there is reason to believe that the quality of the used oil, or the process that generates the used oil, has changed such that the **Table 1** specifications would not be met.

**Note:** “ppm” means “parts per million”, by weight on a water free basis.

**TABLE 1 - USED OIL FUEL SPECIFICATIONS**

<b>Constituent/Property</b>	<b>Allowable Level</b>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100° F minimum
Total Halogens	1000 ppm maximum <sup>1</sup>
Polychlorinated biphenyls (PCBs)	< 2 ppm maximum
Net Heat of Combustion	8000 BTU/lb minimum

- (3) As specified in § 7-804(g), once used oil fuel that meets the requirements of § 7-812(a) has been shown to meet the **Table 1** specifications in accordance with **subsections (1) through (3) of this section**, and the person making that showing complies with the applicable marketer requirements of § 7-809, the used oil fuel is only subject to the general used oil management standards of § 7-806.
- (4) Used oil that does not meet the specifications identified by **Table 1** (i.e., off-specification used oil) must be managed as follows:
- (A) As hazardous waste (identified by at least the VT02 hazardous waste code listed under § 7-211); or
  - (B) As used oil processed in a manner other than being burned for energy recovery; or
  - (C) In accordance with **subsection (d) of this section**.

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<sup>1</sup> Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste as specified under § 7-805(f).

- (d) Any person burning off-specification used oil must comply with **40 CFR Part 279, Subpart G** (Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery), and §§ **5-221(2) and 5-261 of the Vermont Air Pollution Control Regulations**.

**§ 7-813** STANDARDS FOR USED OIL PROCESSORS

- (a) A used oil processor (as defined in § **7-802**) must comply with **40 CFR Part 279 Subpart F** (Standards for Used Oil Processors and Re-Refiners).