

3745-279-10

Applicability - recycled used oil management standards.

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

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

(A) Used oil. Except as provided in rule 3745-279-11 of the Administrative Code, the rules in Chapter 3745-279 of the Administrative Code apply to used oil, and to materials identified in this rule as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(B) Mixtures of used oil and hazardous waste.

(1) Listed hazardous waste.

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

(b) Rebuttable presumption for used oil. Used oil containing more than one thousand parts per million (ppm) total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by ~~using an analytical method from SW-846 to show~~ showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code). ~~EPA publication SW-846 is available from the government printing office, superintendent of documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, 202/512-1800 (document number 955-001-00000-1).~~

- (i) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in paragraph (C) of rule 3745-279-24 of the Administrative Code, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.
 - (ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- (2) Characteristic hazardous waste. Mixtures of hazardous waste that solely ~~exhibit~~exhibit one or more of the hazardous waste ~~characteristic~~characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code and used oil, and mixtures of hazardous waste that is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code solely because it exhibits one or more of the characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code and used oil, are subject to:
 - (a) Except as provided in paragraph (B)(2)(c) of this rule, regulation as hazardous waste under Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code rather than as used oil under Chapter 3745-279 of the Administrative Code, if the resultant mixture exhibits any characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code; or
 - (b) Except as specified in paragraph (B)(2)(c) of this rule, regulation as used oil under Chapter 3745-279 of the Administrative Code, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under rules 3745-51-20 to 3745-51-24 of the Administrative Code.
 - (c) Regulation as used oil under Chapter 3745-279 of the Administrative Code, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under rule 3745-51-21 of the

Administrative Code.

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

(C) Materials containing or otherwise contaminated with used oil.

- (1) Except as provided in paragraph (C)(2) of this rule, 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:
 - (a) Are not used oil and thus not subject to Chapter 3745-279 of the Administrative Code, and
 - (b) If applicable, are subject to the hazardous waste rules of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code.
- (2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.
- (3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.

(D) Mixtures of used oil with products.

- (1) Except as provided in paragraph (D)(2) of this rule, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.
- (2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to Chapter 3745-279 of the Administrative Code once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of rules 3745-279-20 to 3745-279-24 of the Administrative Code.

(E) Materials derived from used oil.

(1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

(a) Not used oil and thus are not subject to Chapter 3745-279 of the Administrative Code, and

(b) Not wastes and are thus not subject to the hazardous waste regulations of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code as provided in paragraph (C)(2)(a) of rule 3745-51-03 of the Administrative Code.

(2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under Chapter 3745-279 of the Administrative Code.

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

(a) Not used oil and thus are not subject to Chapter 3745-279 of the Administrative Code, and

(b) Are wastes and thus are subject to the hazardous waste regulations of Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code if the materials are listed or identified as hazardous wastes.

(4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to Chapter 3745-279 of the Administrative Code.

(F) Wastewater. Wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of Chapter 3745-279 of the Administrative Code. For purposes of this paragraph, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining

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

(G) Used oil introduced into crude oil pipelines or a petroleum refining facility.

- (1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of Chapter 3745-279 of the Administrative Code. The used oil is subject to the requirements of Chapter 3745-279 of the Administrative Code prior to the mixing of used oil with crude oil or natural gas liquids.
- (2) Mixtures of used oil and crude oil or natural gas liquids containing less than one per cent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of Chapter 3745-279 of the Administrative Code.
- (3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of Chapter 3745-279 of the Administrative Code provided that the used oil constitutes less than one per cent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of Chapter 3745-279 of the Administrative Code.
- (4) Except as provided in paragraph (G)(5) of this rule, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of Chapter 3745-279 of the Administrative Code only if the used oil meets the specifications of rule 3745-279-11 of the Administrative Code. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of Chapter 3745-279 of the Administrative Code.
- (5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of Chapter 3745-279 of the Administrative Code. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

- (6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of Chapter 3745-279 of the Administrative Code.
- (H) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to Chapter 3745-279 of the Administrative Code until it is transported ashore.
- (I) Used oil containing polychlorinated biphenyls (PCBs). ~~In addition to the requirements of Chapter 3745-279 of the Administrative Code, marketers and burners of used oil who market used oil containing any quantifiable level of PCBs are subject to the requirements found at 40 CFR 761.20(e). Used oil containing PCBs (as defined at 40 CFR 761.3) at any concentration less than fifty parts per million (ppm) is subject to the requirements of Chapter 3745-279 of the Administrative Code unless, because of dilution, it is regulated under 40 CFR Part 761 as a used oil containing PCBs at fifty ppm or greater. PCB-containing used oil subject to the requirements of Chapter 3745-279 of the Administrative Code may also be subject to the prohibitions and requirements of 40 CFR Part 761, including 40 CFR 761.20(d) and 40 CFR 761.20(e). Used oil containing PCBs at concentrations of fifty ppm or greater is not subject to the requirements of Chapter 3745-279 of the Administrative Code, but is subject to regulation under 40 CFR Part 761. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in Chapter 3745-279 of the Administrative Code or in 40 CFR Part 761.~~

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

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