

CHAPTER 298. MANAGEMENT OF WASTE OIL

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Authority

The provisions of this Chapter 298 issued under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 480(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 480(e)); and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), unless otherwise noted.

Source

The provisions of this Chapter 298 adopted June 1, 2001, effective June 2, 2001, 31 Pa.B. 2873, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 260a.3 (relating to terminology and citations related to Federal regulations); 25 Pa. Code § 261a.2 (relating to definition of "solid waste"); 25 Pa. Code § 261a.5 (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators); 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials); and 25 Pa. Code § 266a.100 (relating to applicability).

Subchapter A. GENERAL

Sec.	
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§ 298.1. Definitions.

Terms defined in §§ 260a.1 and 260a.10 (relating to incorporation by reference, purpose, scope and applicability; and definitions) that are not defined in § 287.1 (relating to definitions) have the same meanings when used in this chapter. The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Aboveground storage tank*—A tank used to store or process waste oil that is not an underground storage tank.

*Container*—A portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

*Household “do-it-yourselfer” waste oil*—Oil that is derived from households, such as waste oil generated by individuals who generate waste oil through the maintenance of their personal vehicles.

*Household “do-it-yourselfer” waste oil generator*—An individual who generates household “do-it-yourselfer” waste oil.

*Petroleum refining facility*—An establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes—for example, facilities classified as SIC 2911.

*Rerefining distillation bottoms*—The heavy fraction produced by vacuum distillation of filtered and dehydrated waste oil. The composition of still bottoms varies with column operation and feedstock.

*Tank*—A stationary device, designed to contain an accumulation of waste oil which is constructed primarily of nonearthen or nonwooden materials—for example, concrete, steel, plastic—which provides structural support.

*Underground storage tank*—An underground storage tank as defined in § 245.1 (relating to definitions).

*Waste oil aggregation point*—A site or facility that accepts, aggregates or stores waste oil collected only from other waste oil generation sites owned or operated by the owner or operator of the aggregation point, from which waste oil is transported to the aggregation point in shipments of no more than 55 gallons. Waste oil aggregation points may also accept waste oil from household do-it-yourselfers.

*Waste oil burner*—A facility where waste oil not meeting the specification requirements in § 298.11 (relating to waste oil specifications) is burned for energy recovery in devices identified in § 298.61(a) (relating to restrictions on burning).

*Waste oil collection center*—A site or facility that is registered, licensed, permitted and accepts, aggregates and stores waste oil collected from waste oil generators regulated under Subchapter C (relating to waste oil generators) who bring waste oil to the collection center in shipments of no more than 55 gallons under § 298.24 (relating to offsite shipments). Waste oil collection centers may also accept waste oil from household do-it-yourselfers.

*Waste oil fuel marketer*—A person who conducts one of the following activities:

- (i) Directs a shipment of off-specification waste oil from the person’s facility to a waste oil burner.
- (ii) First claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11.

*Waste oil generator*—A person, by site, whose act or process produces waste oil or whose act first causes waste oil to become subject to this chapter.

*Waste oil processing*—Chemical or physical operations designed to produce from waste oil, or to make waste oil more amenable for production of, fuel oils, lubricants or other waste oil-derived products. Waste oil processing includes: blending waste oil with virgin petroleum products, blending waste oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and rerefining.

*Waste oil processor/rerefiner*—A facility that processes waste oil.

*Waste oil transfer facility*—A transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of waste oil are received or held, or both, during the normal course of transportation.

*Waste oil transporter*—A person who transports waste oil and a person who collects waste oil from more than one generator and transports the collected oil. Transportation may include consolidation or aggregation of loads of waste oil on the vehicle or in transportation containers. Transporters may conduct incidental waste oil separation that occurs in the normal course of waste oil transportation—for example, settling and water separation.

### § 298.2. Scope.

- (a) This chapter specifies general procedures and rules for persons or municipalities who generate, manage or handle waste oil that is being recycled.
- (b) Waste oil that is being recycled shall be managed in accordance with this chapter.

## Subchapter B. APPLICABILITY

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298.10. Applicability.  
298.11. Waste oil specifications.  
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### § 298.10. Applicability.

- (a) *Waste oil*. It is presumed that waste oil is to be recycled unless a waste oil handler disposes of waste oil, or sends waste oil for disposal. Except as provided in § 298.11 (relating to waste oil specifications), this chapter applies to waste oil and to materials identified in this section as being subject to regulation as waste oil whether or not the waste oil or material exhibits any characteristics of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope).
- (b) *Mixtures of waste oil and hazardous waste*.

(1) *Listed hazardous waste.*

(i) *Mixtures of waste oil.* Mixtures of waste oil and hazardous waste that are listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1, are subject to regulation as hazardous waste under Chapters 260a—266a and Chapter 270a rather than as waste oil under this chapter.

(ii) *Rebuttable presumption for waste oil.* Waste oil containing more than 1,000 parts per million total halogens is presumed to be a hazardous waste. A person may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, a person may use an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and, therefore, under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1, are excluded from regulation as hazardous waste.

(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in another manner or disposed.

(B) The rebuttable presumption does not apply to waste oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption applies to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(2) *Characteristic hazardous waste.* A mixture of waste oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste), incorporated by reference in § 261a.1, and mixtures of waste oil and hazardous waste that is listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1, solely because it exhibits one or more of the characteristics of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste), incorporated by reference in § 261a.1, are subject to:

(i) Regulation as hazardous waste under Chapters 260a—270a, rather than as waste oil under this chapter, except as provided in subparagraphs (ii) and (iii).

(ii) Regulation as waste oil under this chapter if the mixture is of waste oil and a waste which is hazardous waste, mixed in accordance with § 270a.60(b)(2) (relating to permit-by-rule) or in accordance with a permitted hazardous waste treatment facility, and if the waste is hazardous solely because it exhibits the toxicity characteristic for benzene, arsenic, cadmium, chromium or lead or ignitability, provided that the resultant mixture does not exhibit any characteristic of hazardous waste identified under 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste) except as specified in subparagraph (iii).

(iii) Regulation as waste oil under this chapter if the mixture is of waste oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability—for example, ignitable-only mineral spirits—if the resultant mixture does not exhibit the characteristic of ignitability under 40 CFR 261.21 (relating to characteristic of ignitability), incorporated by reference at § 261a.1. The hazardous waste, as well as the mixing of waste oil with a waste that is hazardous solely because it exhibits the characteristic of ignitability, shall be managed in accordance with this chapter.

(c) *Materials containing or otherwise contaminated with waste oil.*

(1) Except as provided in paragraph (2), materials containing or otherwise contaminated with waste oil from which the waste oil has been properly drained or removed to the extent possible so that no visible signs of free-flowing oil remain in or on the material:

(i) Are not waste oil and thus not subject to this chapter.

(ii) Are subject to regulation under Articles VII and VIII (relating to hazardous waste management; and municipal waste management) or this article.

(2) Materials containing or otherwise contaminated with waste oil that are burned for energy recovery are subject to regulation as waste oil under this chapter when burned at an industrial furnace or boiler.

(3) Waste oil drained or removed from materials containing or otherwise contaminated with waste oil is subject to regulation as waste oil under this chapter.

(4) Except as provided in paragraph (2) and subsection (f), wastewater contaminated with waste oil is managed under this chapter if it is demonstrated that one of the following applies:

(i) At least 1% of the wastewater is waste oil.

(ii) The wastewater contains marketable quantities of waste oil.

(d) *Mixtures of waste oil with products.*

(1) Except as provided in paragraph (2), mixtures of waste oil and fuels or other fuel products are subject to regulation as waste oil under this chapter.

(2) A mixture of waste oil and diesel fuel mixed onsite by the generator of the waste oil for use in the generator's own vehicles is not subject to this chapter once the waste oil and diesel fuel have been mixed. Prior to mixing, the waste oil is subject to Subchapter C (relating to waste generators).

(e) *Materials derived from waste oil.*

(1) A material reclaimed from waste oil that is used beneficially and is not burned for energy recovery or used in a manner constituting disposal—for example, rerefined lubricants—may not be subject to this title if the Department determines that the material is no longer a waste in accordance with § 287.7 (relating to determination that a material is no longer a waste).

(2) A material produced from waste oil that is burned for energy recovery—for example, waste oil fuels—is subject to regulation as waste oil under this chapter.

(3) Except as provided in paragraph (4), a material derived from waste oil that is disposed or used in a manner constituting disposal is:

(i) Not waste oil and thus is not subject to this chapter.

(ii) A waste subject to regulation under Article VII or this article.

(4) Waste oil rerefining distillation bottoms that are used by the rerefiner as feedstock to manufacture asphalt products are not subject to this chapter.

(f) *Waste oil introduced into crude oil pipelines or a petroleum refining facility.*

(1) Waste oil mixed with crude oil or natural gas liquids—for example, in a production separator or crude oil stock tank—for insertion into a crude oil pipeline is exempt from this chapter. Waste oil is subject to this chapter prior to the mixing of waste oil with crude oil or natural gas liquids.

(2) A mixture of waste oil and crude oil or natural gas liquids containing less than 1% waste oil that is 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 is exempt under this chapter.

(3) Waste 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 this chapter if the waste oil constitutes less than 1% of the crude oil feed to a petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the waste oil is subject to this chapter.

(4) Except as provided in paragraph (5), waste oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from this chapter only if the waste oil meets the specification of § 298.11 (relating to waste oil specifications). Prior to insertion into the petroleum refining facility process, the waste oil is subject to this chapter.

(5) Waste 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 pro-

cess is exempt from this chapter. This exemption does not extend to waste oil which is intentionally introduced into a hydrocarbon recovery system—for example, by pouring collected waste oil into the waste water treatment system.

(6) Tank bottoms from stock tanks containing exempt mixtures of waste oil and crude oil or natural gas liquids are exempt from this chapter.

(g) *Waste oil on vessels.* Waste oil produced on vessels from normal ship-board operations is not subject to this chapter until it is transported ashore.

(h) *Waste oil containing PCBs.* In addition to the requirements of this chapter, a marketer and burner of waste oil who markets waste oil containing a quantifiable level of PCBs is subject to 40 CFR 761.20(e) (relating to prohibitions and exceptions).

#### Cross References

This section cited in 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.21 (relating to applicability); 25 Pa. Code § 298.24 (relating to offsite shipments); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.44 (relating to rebuttable presumption for waste oil and flash point screening); 25 Pa. Code § 298.46 (relating to tracking); 25 Pa. Code § 298.53 (relating to rebuttable presumption for waste oil and flash point screening); 25 Pa. Code § 298.59 (relating to management of waste); 25 Pa. Code § 298.63 (relating to rebuttable presumption for waste oil); and 25 Pa. Code § 298.67 (relating to management of waste).

### § 298.11. Waste oil specifications.

(a) Waste oil, and any fuel produced from waste oil by waste oil processing, blending or other treatment, to be burned for energy recovery either under this chapter or as specification fuel oil shall have at least 8,000 Btus per pound.

(b) Waste oil burned for energy recovery and fuel produced from waste oil by waste oil processing, blending or other treatment is subject to this chapter unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once waste oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with §§ 298.72—298.74 (relating to on-specification waste oil fuel; notification; and tracking), the waste oil is no longer subject to this chapter. This waste oil is also known as on-specification fuel oil.

**Table 1—Waste Oil Not Exceeding Any Specification Level Is Not Subject To This Chapter When Burned For Energy Recovery.<sup>1</sup>**

<i>Constituent/Property</i>	<i>Allowable Levels</i>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100°F minimum

<i>Constituent/Property</i>	<i>Allowable Levels</i>
Total halogens	1,000 ppm maximum for residential and commercial uses and 4,000 maximum for industrial uses.

<sup>1</sup> The specifications do not apply to mixtures of waste oil and hazardous waste that continue to be regulated as hazardous waste (see § 298.10(b) (relating to applicability)).

#### Cross References

This section cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials); 25 Pa. Code § 298.1 (relating to definitions); 25 Pa. Code § 298.10 (relating to applicability); 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); 25 Pa. Code § 298.60 (relating to applicability); 25 Pa. Code § 298.70 (relating to applicability); 25 Pa. Code § 298.72 (relating to on-specification waste oil fuel); and 25 Pa. Code § 298.74 (relating to tracking).

### § 298.12. Prohibitions.

(a) *Surface impoundment prohibition.* Waste oil may not be managed in surface impoundments or waste piles unless the units are subject to Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Use as a dust suppressant.* The use of waste oil as a dust suppressant is prohibited.

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

(1) An industrial furnace identified in 40 CFR 260.10 (relating to definitions), incorporated by reference in § 260a.1 (relating to incorporation by reference, purpose, scope and applicability).

(2) A boiler, as defined in 40 CFR 260.10, incorporated by reference in § 260a.1, that is identified as one of the following:

(i) An industrial boiler 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) A utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(iii) A waste oil-fired space heater if the burner meets the provisions of § 298.23 (relating to onsite burning in space heaters).

(3) A hazardous waste incinerator subject to 40 CFR Part 264, Subpart O (relating to incinerators), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), or Chapter 265a.



**Subchapter C. WASTE OIL GENERATORS**

Sec.	
298.20.	Applicability.
298.21.	Hazardous waste mixing.
298.22.	Waste oil storage.
298.23.	Onsite burning in space heaters.
298.24.	Offsite shipments.
298.25.	Source reduction strategy.
298.26.	Biennial report.

**Cross References**

This subchapter cited in 25 Pa. Code § 270a.60 (relating to permits-by-rule); 25 Pa. Code § 298.1 (relating to definitions); 25 Pa. Code § 298.30 (relating to waste oil collection centers); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); 25 Pa. Code § 298.60 (relating to applicability); and 25 Pa. Code § 298.70 (relating to applicability).

**§ 298.20. Applicability.**

(a) *General.* Except as provided in paragraphs (1)—(4), this subchapter applies to a waste oil generator. A waste oil generator is a person, by site, whose act or process produces waste oil or whose act first causes waste oil to become subject to regulation.

(1) *Household “do-it-yourselfer” waste oil generators.* A household “do-it-yourselfer” waste oil generator is not subject to this chapter.

(2) *Vessels.* A vessel at sea or at port is not subject to this subchapter. For purposes of this subchapter, waste oil produced on vessels from normal ship-board operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person removing or accepting waste oil from the vessel are cogenerators of the waste oil and are both responsible for managing the waste in compliance with this subchapter once the waste oil is transported ashore. The cogenerators may decide among them which party will fulfill the requirements of this subchapter.

(3) *Diesel fuel.* A mixture of waste oil and diesel fuel mixed by the generator of the waste oil for use in the generator’s own vehicles is not subject to this chapter once the waste oil and diesel fuel have been mixed. Prior to mixing, the waste oil fuel is subject to this subchapter.

(4) *Farmers.* A farmer who generates an average of 25 gallons per month or less of waste oil from vehicles or machinery used on the farm in a calendar year is not subject to this chapter.

(b) *Other applicable provisions.* A waste oil generator who conducts the following activities is subject to the requirements of other applicable provisions of this chapter and other chapters as indicated in paragraphs (1)—(8):

(1) A waste oil generator who transports waste oil, except under the self-transport provisions of § 298.24(1) and (2) (relating to offsite shipments), shall also comply with Subchapter E (relating to waste oil transporter and transfer facilities).

(2) Except as provided in paragraphs (3) and (4), a waste oil generator who processes or rerefines waste oil shall also comply with Subchapter F (relating to waste oil processing/refining facilities).

(3) A waste oil generator who performs the following activities is deemed to have a solid waste management permit-by-rule for the captive processing of waste oil provided that the waste oil is not being sent offsite to a burner of on-specification or off-specification waste oil fuel and provided that the generator submits a written notice to the Department that includes the name, address and telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility. The Department may require a generator, who is conducting one of the activities in subparagraphs (i)—(iv) under a permit-by-rule, to apply for, and obtain, a permit in accordance with Chapters 287 and 297 (relating to residual waste management—general provisions; incinerators and other processing facilities), or take other appropriate action, when the generator is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(i) Filtering, cleaning or otherwise reconditioning waste oil before it is reused by the generator. The generator shall also meet the following requirements:

(A) Remaining waste is managed under the act.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(ii) Separating waste oil from wastewater generated onsite to make the wastewater acceptable for discharge or shipment offsite. For this activity to be authorized by a permit-by-rule, the generator shall also meet the following requirements:

(A) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(B) The facility has an NPDES permit, if required, and complies with the conditions of that permit.

(C) The facility meets the requirements of 40 CFR 264.11, 264.14, 264.15, 264.73, 264.75 and 264.77 all of which are incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference).

(D) The generator shall maintain, in a readily accessible place at the facility, a copy of a preparedness prevention and contingency (PPC) plan that is consistent with the Department's most recent guidelines for development and implementation of PPC plans.

(iii) Draining or otherwise removing waste oil from materials containing or otherwise contaminated with waste oil to remove excessive oil to the extent possible under § 298.10(c) (relating to applicability). For this activity to be authorized by a permit-by-rule, the generator shall also meet the following requirements:

(A) Waste remaining from the filter process is managed under the act.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(iv) Filtering, separating or otherwise reconditioning waste oil before burning it in a space heater under § 298.23 (relating to onsite burning in space heaters). For this activity to be authorized by a permit-by-rule, the generator shall also meet the following requirements:

(A) Waste remaining from the filter process is managed under the act.

(B) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(C) Processing occurs at the same manufacturing or production facility where some or all of the waste oil is generated.

(4) A waste oil generator is not a processor when it is using oil mist collectors to remove small droplets of waste oil from in-plant air to make plant air suitable for continued recirculation. For this exemption to be applicable, the waste oil so generated is not being sent offsite to a burner of on- or off-specification waste oil fuel.

(5) A waste oil generator who burns off-specification waste oil for energy recovery, except under the onsite space heater provisions of § 298.23, shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

(6) A waste oil generator who directs shipments of off-specification waste oil from its facility to a waste oil burner, or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel marketers).

(7) A waste oil generator shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(8) A material managed in accordance with this section and that is not burned for energy recovery or used in a manner constituting disposal may not be subject to regulation under this title if the Department determines that the

material is no longer a waste in accordance with § 287.7 (relating to determination that a material is no longer a waste).

(c) *Recordkeeping*. The generator is required to maintain, for 3 years, the following records:

- (1) The type of oil used.
- (2) A description of the process that generates the waste oil.
- (3) A record of the tests used to determine if the waste oil contains more than 1,000 parts per million total halogens.
- (4) A record of the information used to rebut the presumption in § 298.10(b)(1)(ii) if the waste oil contains more than 1,000 parts per million total halogens.
- (5) The type and quantity of any hazardous waste generated and the analyses of hazardous waste characteristics for any mixtures of hazardous waste with waste oil.

#### § 298.21. Hazardous waste mixing.

(a) A mixture of waste oil and hazardous waste shall be managed in accordance with § 298.10(b) (relating to applicability).

(b) The rebuttable presumption for waste oil of § 298.10(b)(1)(ii) applies to waste oil managed by generators. Under the rebuttable presumption for waste oil of § 298.10(b)(1)(ii), waste oil containing greater than 1,000 parts per million total halogens is presumed to be a hazardous waste and shall be managed as hazardous waste and not as waste oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils/fluids and certain waste oils removed from refrigeration units, as provided for in § 298.10(b)(1)(ii)(A) and (B).

(c) A generator shall perform a hazardous waste determination on any hazardous waste generated prior to mixing with waste oil and on the resultant mixture.

(d) If a generator rebuts the presumption in accordance with § 298.10(b)(1)(ii), the generator shall provide all information used to rebut the presumption to the transporter.

#### § 298.22. Waste oil storage.

(a) *Storage units*. A waste oil generator may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Condition of units*. A container or aboveground storage tank used to store waste oil at generator facilities shall meet the following requirements:

(1) *Be in good condition.* For example, containers and aboveground storage tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(c) *Labels.*

(1) Except as provided in paragraphs (2) and (3), a container or aboveground storage tank used to store waste oil at generator facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(3) Containers used in transportation may be labeled or marked with the words "used oil," instead of "waste oil," or the words required by a receiving state if the containers and vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/rerefiner in this Commonwealth in a container used in transportation, paragraph (1) or (2) shall be met.

(4) Fill pipes used to transfer waste oil into underground storage tanks at generator facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001. Fill pipes which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(d) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) and (c) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(e) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(f) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after June 2, 2001, a generator shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and manage properly the released waste oil and other materials.

(4) Repair or replace any leaking waste oil storage containers or tanks prior to returning them to service, if necessary.

(g) *Additional requirements.* In addition to the requirements of this subchapter, a waste oil generator shall maintain, in a readily accessible place at the facility, a copy of a preparedness, prevention and contingency (PPC) plan that is consistent with the Department's most recent guidelines for development and implementation of PPC plans. Waste oil generators are subject to the applicable spill prevention, control and countermeasures (40 CFR Part 112 (relating to oil pollution prevention)) in addition to the requirements of this subchapter. Waste oil generators are also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground storage tanks whether or not the waste oil exhibits any characteristics of hazardous waste.

#### § 298.23. Onsite burning in space heaters.

A generator is deemed to have a solid waste management permit-by-rule to burn waste oil in waste oil-fired space heaters if the following apply:

- (1) The heater burns only waste oil that the owner or operator generates or waste oil received from household do-it-yourselfer waste oil generators.
- (2) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour.
- (3) The combustion gases from the heater are vented to the ambient air.

#### Cross References

This section cited in 25 Pa. Code § 298.12 (relating to prohibitions); 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); 25 Pa. Code § 298.60 (relating to applicability); and 25 Pa. Code § 298.61 (relating to restrictions on burning).

#### § 298.24. Offsite shipments.

Except as provided in paragraphs (1)—(3), a generator shall ensure that waste oil is transported only by transporters who have obtained identification numbers. The generator shall provide the transporter with a certification that, except as provided for in § 298.10(b)(2)(ii) (relating to applicability), its waste oil has not been mixed with a hazardous waste.

(1) *Self-transportation of small amounts to approved collection centers.* Generators may transport, without an identification number, waste oil that is generated at the generator's site and waste oil collected from household do-it-yourselfers to a waste oil collection center if the following apply:

- (i) The generator transports the waste oil in a vehicle owned by the generator or owned by an employe of the generator.
- (ii) The generator transports no more than 55 gallons of waste oil at any time.

(iii) The generator transports the waste oil to a waste oil collection center that is one of the following:

(A) Operated in accordance with the requirements of Subchapter D (relating to waste oil collection centers and aggregation points) if the facility is located within this Commonwealth.

(B) Registered, licensed, permitted or recognized by a state/county/municipal government to manage waste oil if the facility is located outside this Commonwealth.

(iv) The generator shall provide the waste oil collection center with a certification that except as provided for in § 298.10(b)(2)(ii), the generator has not mixed its waste oil with hazardous waste.

(2) *Self-transportation of small amounts to aggregation points owned by the generator.* A generator may transport, without an identification number, waste oil that is generated at the generator's site to an aggregation point if the following apply:

(i) The generator transports the waste oil in a vehicle owned by the generator or owned by an employee of the generator.

(ii) The generator transports no more than 55 gallons of waste oil at any time.

(iii) The generator transports the waste oil to an aggregation point that is owned or operated, or both, by the same generator.

(3) *Tolling arrangements.* A waste oil generator may arrange for waste oil to be transported by a transporter without an identification number if the waste oil is reclaimed under a contractual agreement under which reclaimed oil is returned by the waste oil processor/rerefiner to the generator for use as a lubricant, cutting oil or coolant. The contract, known as a tolling arrangement, shall indicate the following:

(i) The type of waste oil and the frequency of shipments.

(ii) The vehicle used to transport the waste oil to the waste oil processing/rerefining facility and to deliver recycled waste oil back to the generator is owned and operated by the waste oil processor/rerefiner.

(iii) Reclaimed oil will be returned to the generator.

#### Cross References

This section cited in 25 Pa. Code § 298.1 (relating to definitions); 25 Pa. Code § 298.10 (relating to applicability); 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.30 (relating to waste oil collection centers); 25 Pa. Code § 298.31 (relating to waste oil aggregation points owned by the generator); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.44 (relating to rebuttable presumption for waste oil and flash point screening); 25 Pa. Code § 298.50 (relating to applicability); and 25 Pa. Code § 298.63 (relating to rebuttable presumption for waste oil).

**§ 298.25. Source reduction strategy.**

A waste oil generator subject to this subchapter shall prepare a source reduction strategy in accordance with §§ 287.51, 287.53 and 287.54 (relating to scope; source reduction strategy; and chemical analysis of waste).

**§ 298.26. Biennial report.**

By March 1 of each odd numbered year a waste oil generator subject to this subchapter shall file a biennial report with the Department in accordance with §§ 287.51, 287.52 and 287.55 (relating to scope; biennial report; and retained recordkeeping).

**Subchapter D. WASTE OIL COLLECTION CENTERS AND AGGREGATION POINTS**

Sec.

298.30. Waste oil collection centers.

298.31. Waste oil aggregation points owned by the generator.

**Cross References**

This subchapter cited in 25 Pa. Code § 298.24 (relating to offsite shipments); and 25 Pa. Code § 298.4 (relating to offsite shipments).

**§ 298.30. Waste oil collection centers.**

(a) *Applicability.* This section applies to owners or operators of waste oil collection centers. A waste oil collection center is any site or facility that accepts/aggregates and stores waste oil collected from waste oil generators regulated under Subchapter C (relating to waste oil generators) who bring waste oil to the collection center in shipments of no more than 55 gallons under § 298.24(a) (relating to offsite shipments). Waste oil collection centers may also accept waste oil and oil filters from household do-it-yourselfers.

(b) *Permit-by-rule for waste oil collection centers.* For the operation of a waste oil collection center to be deemed to have a permit-by-rule, the owner or operator of a waste oil collection center shall do the following:

- (1) Be a state inspection facility, oil retailer, retail service station, a facility owned or operated by a municipality, municipal authority, or state agency, or a facility owned or operated by a nonprofit organization.
- (2) Not blend oil for offsite reuse.
- (3) Comply with the generator standards in Subchapter C.
- (4) Maintain on the premises waste oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of waste oil.



- (5) Have collection facilities for the safe and proper disposal of waste oil containers within a very close proximity to the collection tanks.
- (6) Not accept water, antifreeze, other residual or hazardous wastes or other contaminants.
- (7) Design, construct and operate the facility in a manner to ensure that any hazardous waste generated at the facility is not mixed with the waste oil being collected at the facility.
- (8) Have a procedure for ensuring that items in paragraph (6) are not collected at the facility and that if waste oil collected at the facility contains more than 1,000 parts per million total halogens it is due to the household do-it-yourselfer waste oil collected by the facility.

**§ 298.31. Waste oil aggregation points owned by the generator.**

(a) *Applicability.* This section applies to owners or operators of all waste oil aggregation points. A waste oil aggregation point is any site or facility that accepts, aggregates or stores waste oil collected only from other waste oil generation points owned or operated by the owner or operator of the aggregation point, from which waste oil is transported to the aggregation point in shipments of no more than 55 gallons under § 298.24(b) (relating to offsite shipments). Waste oil aggregation points may also accept waste oil from household do-it-yourselfers.

(b) *Permit-by-rule for waste oil aggregation points.* The owner or operator of an aggregation point may operate the aggregation point under a permit-by-rule. The Department may require the owner or operator of an aggregation point operated under a permit-by-rule to apply for and obtain a permit or take other appropriate action, when the generator is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth. For the operation of a waste oil aggregation point to be authorized by a permit-by-rule, the owner or operator shall:

- (1) Comply with the generator standards in Subchapter C (relating to waste oil generators).
- (2) Maintain on the premises waste oil collection tanks that are properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into the water, land and air of this Commonwealth and of sufficient size to handle returns of waste oil.
- (3) Have within a very close proximity to the collection tanks, collection facilities for the safe and proper disposal of waste oil containers.
- (4) Not accept water, antifreeze, other residual or hazardous wastes or other contaminants.
- (5) Submit a written notice to the Department that includes the name, address and the telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.

**Subchapter E. WASTE OIL TRANSPORTER AND TRANSFER FACILITIES**

Sec.	
298.40.	Applicability.
298.41.	Restrictions on transporters and transfer facilities who are not also processors or refiners.
298.42.	Notification.
298.43.	Waste oil transportation.
298.44.	Rebuttable presumption for waste oil and flash point screening.
298.45.	Waste oil storage at transfer facility.
298.46.	Tracking.
298.47.	Management of wastes.
298.48.	Signs on vehicles.

**Cross References**

This subchapter cited in 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); 25 Pa. Code § 298.60 (relating to applicability); and 25 Pa. Code § 298.70 (relating to applicability).

**§ 298.40. Applicability.**

(a) *General.* Except as provided in paragraphs (1)—(4), this subchapter applies to all waste oil transporters and transfer facilities.

(1) This subchapter does not apply to onsite transportation.

(2) This subchapter does not apply to a generator who transports shipments of waste oil totaling 55 gallons or less from the generator to a waste oil collection center as specified in § 298.24(a) (relating to offsite shipments).

(3) This subchapter does not apply to a generator who transports shipments of waste oil totaling 55 gallons or less from the generator to a waste oil aggregation point owned or operated by the same generator as specified in § 298.24(b).

(4) This subchapter does not apply to transportation of waste oil from household do-it-yourselfers to a regulated waste oil generator, collection center, aggregation point, transfer facility, processor/rerefiner or burner subject to this chapter. Except as provided in paragraphs (1)—(3), this subchapter does apply to transportation of collected household do-it-yourselfer waste oil from regulated waste oil generators, collection centers, aggregation points or other facilities where household do-it-yourselfer waste oil is collected.

(b) *Imports and exports.* A transporter who imports waste oil into or exports waste oil out of this Commonwealth is subject to this subchapter from the time the waste oil enters until the time it exits this Commonwealth.

(c) *Trucks used to transport hazardous waste.* Unless trucks previously used to transport hazardous waste are emptied as described in 40 CFR 261.7 (relating to residues of hazardous waste in empty containers) incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope), and modi-

fied in § 261a.7 (relating to residues of hazardous waste in empty containers) prior to transporting waste oil, the waste oil is considered to have been mixed with the hazardous waste and shall be managed as hazardous waste unless, under § 298.10(b)(2) (relating to applicability), the hazardous waste/waste oil mixture is determined not to exhibit the characteristic of ignitability.

(d) *Other applicable provisions.* A waste oil transporter or transfer facility that conducts the following activities is also subject to other applicable provisions of this chapter as indicated in paragraphs (1)—(5):

(1) A transporter or transfer facility that generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A transporter or transfer facility that processes or rerefines waste oil, except as provided in § 298.41 (relating to restrictions on transporters and transfer facilities who are not also processors or rerefiners), shall also comply with Subchapter F (relating to waste oil processing/refining facilities).

(3) A transporter or transfer facility that burns off-specification waste oil for energy recovery shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

(4) A transporter or transfer facility that directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel marketers).

(5) A transporter or transfer facility shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

**§ 298.41. Restrictions on transporters and transfer facilities who are not also processors or rerefiners.**

(a) A waste oil transporter may, at a transfer facility authorized under § 298.45 (relating to waste oil storage at transfer facilities), consolidate or aggregate loads of waste oil for purposes of transportation. Except as provided in subsections (b) and (c), waste oil transporters may not process waste oil unless they also comply with the requirements for processors/rerefiners in Subchapter F (relating to waste oil processing/rerefining facilities).

(b) A transporter or transfer facility may conduct incidental waste oil processing operations that occur in the normal course of waste oil transportation—for example, settling and water separation that occurs in a transport vehicle or in a single consolidation tank—but that are not designed to produce (or make more amenable for production of) waste oil derived products unless they also comply with the processor/rerefiner requirements in Subchapter F.

(c) A transporter or transfer facility managing waste oil that is removed from oil bearing electrical transformers and turbines and filtered by the transporter in the course of loading or unloading waste oil or at a transfer facility authorized

under § 298.45 prior to being returned to its original use is not subject to the waste oil processor/rerefiner requirements in Subchapter F.

#### Cross References

This section cited in 25 Pa. Code § 298.40 (relating to applicability); and 25 Pa. Code § 298.50 (relating to applicability).

### § 298.42. Notification.

(a) *Identification numbers.* A waste oil transporter or transfer facility shall have an EPA identification number.

(b) *Mechanics of notification.* A waste oil transporter or transfer facility that has not received an identification number may obtain one by notifying the EPA Region III Administrator of its waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12. (To order information for EPA form 8700-12, call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810.)

(2) A letter requesting an identification number. Call RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

- (i) The transporter or transfer facility company name.
- (ii) The owner of the transporter or transfer facility company.
- (iii) The mailing address for the transporter or transfer facility.
- (iv) The name and telephone number for the transporter or transfer facility point of contact.
- (v) The type of transport activity—for example, transport only, transport and transfer facility, transfer facility only.
- (vi) The location of all transfer facilities at which waste oil is stored.
- (vii) The name and telephone number for a contact at each transfer facility.

### § 298.43. Waste oil transportation.

(a) *Deliveries.* A waste oil transporter shall deliver all waste oil received to one of the following:

(1) Another waste oil transporter, if the transporter has obtained an identification number.

(2) A waste oil processing/rerefining facility who has obtained an identification number.

(3) An off-specification waste oil burner facility who has obtained an identification number.

(4) An on-specification waste oil burner facility.

(5) A waste oil transfer facility that has obtained an identification number.

(b) *Department of Transportation requirements.* A waste oil transporter shall comply with the applicable requirements under the United States Department of

Transportation regulations in 49 CFR Parts 171—180. Persons transporting waste oil that meets the definition of a hazardous material in 49 CFR 171.8 (relating to definitions and abbreviations) shall comply with applicable regulations in 49 CFR Parts 171—180.

(c) *Waste oil discharges.*

(1) In the event of a discharge of waste oil during transportation, the transporter shall notify the appropriate Departmental office of emergency response and take appropriate immediate action to protect human health and the environment—for example, notify local authorities, dike the discharge area—and the like.

(2) If a discharge of waste oil occurs during transportation and the Department determines that immediate removal of the waste oil is necessary to protect human health or the environment, the Department may authorize the removal of the waste oil by transporters who do not have identification numbers.

(3) An air, rail, highway or water transporter who has discharged waste oil shall do the following:

(i) Give notice if required by 49 CFR 171.15 (relating to immediate notice of certain hazardous materials incidents) to the National Response Center (800) 424-8802 or (202) 426-2675).

(ii) Report in writing as required by 49 CFR 171.16 (relating to detailed hazardous materials incident reports) to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(4) A water transporter who has discharged waste oil shall give notice as required by 33 CFR 153.203 (relating to procedure for the notice of discharge).

(5) A transporter shall clean up any waste oil discharge that occurs during transportation or take action as required or approved by the Department so that the waste oil discharge no longer presents a hazard to human health or the environment.

**§ 298.44. Rebuttable presumption for waste oil and flash point screening.**

(a) To ensure that waste oil is not a hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), the waste oil transporter and the transfer facility shall determine whether the total halogen content of waste oil being transported or stored at a transfer facility is above or below 1,000 parts per million. The waste oil transporter shall make the determination at the generator's location, prior to loading on the transportation vehicle. The waste oil transfer facility shall make the determination prior to the unloading of a transportation vehicle at the transfer facility.

(b) The transporter and transfer facility shall make this total halogen determination by:

(1) Testing the waste oil.

(2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(c) If the waste oil contains greater than or equal to 1,000 parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). The owner or operator may rebut the presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from SW-846, current edition, to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and therefore under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1 are excluded from regulation as a hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with CFCs removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) The owner or operator of a waste oil transfer facility shall test waste oil for flash point or shall request approval from the Department for an alternative method to screen waste oil for the purposes of detecting adulteration of waste oil and providing a safety measure in determining the potential for a waste oil to initiate a fire during storage and processing.

(e) Records of analyses conducted or information used to comply with subsections (a)—(d) shall be maintained by the transporter and transfer facility for at least 3 years.

#### Cross References

This section cited in 25 Pa. Code § 252.6 (relating to accreditation-by-rule); and 25 Pa. Code § 298.45 (relating to waste oil storage at transfer facility).

**§ 298.45. Waste oil storage at transfer facility.**

(a) *Applicability.* This section applies to a waste oil transfer facility. A waste oil transfer facility is a transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of waste oil are received or held during normal course of transportation.

(b) *Permits.*

(1) The owners or operators of a transfer facility shall obtain a permit issued under Chapters 287 and 293 (relating to residual waste management—general provisions; and transfer facilities for residual waste).

(2) A general permit is only available if all of the following are met:

(i) The owner or operator of the waste oil transfer facility is responsible for transporting the waste oil from the generator to the transfer facility or the waste oil is from a household do-it-yourselfer waste oil generator.

(ii) The owner or operator of the waste oil transfer facility only:

(A) Consolidates/aggregates waste oil.

(B) Conducts incidental waste oil processing operations that occur in the normal course of waste oil transportation or in a single consolidation tank.

(3) The owners or operators of a waste oil transfer facility authorized prior to June 2, 2001 by a general permit issued prior to June 2, 2001, may continue to operate the facility under the general permit for the term of the permit. At the end of the permit term, this general permit is not renewable. The owner or operator of the transfer facility may only continue to operate the facility after the term has expired on the general permit if the owner or operator has obtained an individual permit issued under Chapters 287 and 293.

(4) A copy of the protocol for satisfying the requirements of § 298.44 (relating to rebuttable presumption for waste oil and flashpoint screening) shall be maintained at a facility operating under paragraph (2) or (3).

(c) *Storage units.* The owner or operator of a waste oil transfer facility may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(d) *Condition of units.* A container or aboveground storage tank used to store waste oil at transfer facilities shall meet the following requirements:

(1) *Be in good condition.* For example—containers and aboveground storage tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(e) *Secondary containment for containers.* A container used to store waste oil at transfer facilities shall be equipped with a secondary containment system.

- (1) The secondary containment system shall consist of one of the following:
  - (i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dikes, berms or retaining walls.
  - (ii) An equivalent secondary containment system.
- (2) The entire containment system, including walls and floors, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.
- (f) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.
- (g) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.
- (h) *Labels.*
  - (1) Except as provided in paragraphs (2) and (3), a container or aboveground tank used to store waste oil at transfer facilities shall be labeled or marked clearly with the words “waste oil” by no later than December 2, 2001.
  - (2) Containers or aboveground storage tanks which are labeled or marked with the words “used oil” on June 2, 2001, shall be labeled or marked with the words “waste oil” by no later than June 2, 2003.
  - (3) Containers used in transportation may be labeled or marked with the words “used oil,” instead of “waste oil,” or the words required by a receiving state if the containers and vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/rerefiner in this Commonwealth in a container used in transportation, paragraph (1) or (2) shall be met.
  - (4) Fill pipes used to transfer waste oil into underground storage tanks at transfer facilities shall be labeled or marked clearly with the words “waste oil” by no later than December 2, 2001. Fill pipes which are labeled or marked with the words “used oil” on June 2, 2001, shall be labeled or marked with the words “waste oil” by no later than June 2, 2003.
    - (i) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank



facilities and other responsible parties) which has occurred after June 2, 2001, the owner or operator of a transfer facility shall perform the following cleanup steps:

- (1) Stop the release.
- (2) Contain the released waste oil.
- (3) Clean up and manage properly the released waste oil and other materials.
- (4) If necessary, repair or replace any leaking waste oil storage containers or tanks prior to returning them to service.

(j) *Additional requirements.* In addition to the requirements of this subchapter, a waste oil transfer facility is subject to §§ 293.109 and 293.241—293.243. Waste oil transfer facilities are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112 (relating to oil pollution prevention)) in addition to the requirements of this subchapter. A waste oil transfer facility is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground storage tanks whether or not the waste oil exhibits any characteristics of hazardous waste.

#### Cross References

This section cited in 25 Pa. Code § 298.41 (relating to restrictions on transporters and transfer facilities who are not also processors or refiners).

### § 298.46. Tracking.

(a) *Acceptance.* A waste oil transporter and transfer facility shall keep a record of each waste oil shipment accepted for transport. Records for each shipment shall include the following:

- (1) The name and address of the generator, transporter, transfer facility or processor/rerefiner who provided the waste oil for transport.
- (2) The identification number (if applicable) of the generator, transporter, transfer facility or processor/rerefiner who provided the waste oil for transport.
- (3) The quantity of waste oil accepted.
- (4) The date of acceptance.
- (5) The signature of a representative of the generator, transporter, transfer facility or processor/rerefiner who provided the waste oil for transport, dated upon receipt of the waste oil.

(b) *Deliveries.* A waste oil transporter and transfer facility shall keep a record of each shipment of waste oil that is delivered to another waste oil transporter, or to a waste oil burner, processor/rerefiner, transfer facility or disposal facility. Records of each delivery shall include the following:

- (1) The name and address of the receiving facility or transporter.
- (2) The identification number of the receiving facility or transporter.
- (3) The quantity of waste oil delivered.

- (4) The date of delivery.
  - (5) The signature, dated upon receipt of the waste oil, of a representative of the receiving facility or transporter.
  - (6) An intermediate rail transporter is not required to sign the record of delivery.
- (c) *Exports of waste oil.* Waste oil transporters and transfer facilities must maintain the records described in subsection (b)(1)—(4) for each shipment of waste oil exported to a foreign country.
- (d) *Record retention.* The records described in subsections (a)—(c) shall be maintained for at least 3 years.

#### § 298.47. Management of wastes.

A transporter or transfer facility who generates wastes from the storage or transport of waste oil shall manage the wastes as specified in § 298.10(e) (relating to applicability).

#### § 298.48. Signs on vehicles.

- (a) A vehicle that is ordinarily or primarily used for the transportation of waste oil shall bear a sign that meets the following:
- (1) The sign shall include the name and business address of the waste oil transporter that owns the vehicle.
  - (2) The sign shall have lettering that is 6 inches in height. The required information shall be clearly visible and easily readable.
- (b) Transportation vehicles may be labeled or marked with the words “used oil,” instead of “waste oil,” or the words required by a receiving state if the vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/rerefiner in this Commonwealth in a transportation vehicle, the following shall be met:
- (1) Except as provided in paragraph (2), the transportation vehicle shall be labeled or marked clearly with the words “waste oil” by no later than December 2, 2001.
  - (2) Transportation vehicles that are marked or labeled “used oil” on December 2, 2001, shall be marked or labeled with the words “waste oil” by no later than June 2, 2003.

### Subchapter F. WASTE OIL PROCESSING/REFINING FACILITIES

- Sec.  
298.50. Applicability.  
298.51. Notification.  
298.52. General facility standards.  
298.53. Rebuttable presumption for waste oil and flash point screening.

- 298.54. Waste oil management.
- 298.55. Analysis plan.
- 298.56. Tracking.
- 298.57. Operating record and reporting.
- 298.58. Offsite shipments of waste oil.
- 298.59. Management of waste.

#### Cross References

This subchapter cited in 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.41 (relating to restrictions on transporters and transfer facilities who are not also processor or rerefiners); 25 Pa. Code § 298.60 (relating to applicability); 25 Pa. Code § 298.61 (relating to restrictions on burning); and 25 Pa. Code § 298.70 (relating to applicability).

### § 298.50. Applicability.

(a) *General.* Except as provided in this subsection, this subchapter applies to owners and operators of waste oil processing/rerefining facilities. This subchapter does not apply to:

(1) A transporter or transfer facility that conducts incidental waste oil processing operations that occur during the normal course of transportation as provided in § 298.41 (relating to restrictions on transporters and transfer facilities who are not also processors or rerefiners).

(2) A burner that conducts incidental waste oil processing operations that occur during the normal course of waste oil management prior to burning as provided in § 298.61(b) (relating to restrictions on burning).

(b) *Other applicable provisions.* A waste oil processor/rerefiner who conducts the following activities is also subject to other applicable provisions of this chapter as indicated in paragraphs (1)—(5).

(1) A processor/rerefiner who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A processors/rerefiner who transports waste oil shall also comply with Subchapter E (relating to waste oil transporter and transfer facilities).

(3) Except as provided in subparagraphs (i) and (ii), a processor/rerefiner who burns off-specification waste oil for energy recovery shall also comply with Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy necessary). A processor/rerefiner burning waste oil for energy recovery under the following conditions is not subject to Subchapter G.

(i) The waste oil is burned in an onsite space heater that meets the requirements of § 298.23 (relating to onsite burning in space heaters).

(ii) The waste oil is burned for purposes of waste oil processing which is considered burning incidentally to waste oil processing.

(4) A processor/rerefiner who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in

§ 298.11 (relating to waste oil specifications) shall also comply with Subchapter H (relating to waste oil fuel marketers).

(5) A processor/rerefiner shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(c) *Permits.*

(1) The owner or operator of a waste oil processing facility shall obtain a permit issued under Chapters 287 and 297 (relating to residual waste management—general provisions; and incinerators and other processing facilities).

(2) A general permit is only available for the following types of waste oil processing/rerefining facilities:

(i) A mobile waste oil processor/rerefiner that operates at the site of waste oil generation.

(ii) A waste oil processor/rerefiner that reclaims waste oil under toll arrangements as specified in § 298.24(3) (relating to offsite shipments).

(3) The owner or operator of a facility authorized prior to June 2, 2001, by a waste oil processing/rerefining general permit issued prior to June 2, 2001, may continue to operate its facility under the general permit for the permit term. At the end of the permit term, this general permit is not renewable. The owner or operator of the waste oil processing/rerefining facility after the term has expired on the general permit may only continue to operate the facility if the owner or operator has obtained an individual permit issued under Chapters 287 and 297.

**§ 298.51. Notification.**

(a) *Identification numbers.* A waste oil processor or rerefiner who has not previously obtained an identification number shall comply with 40 CFR 264.11 (relating to identification number), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and modified in § 264a.11 (relating to identification number and transporter license) and obtain an EPA identification number.

(b) *Mechanics of notification.* A waste oil processor or rerefiner who has not received an identification number may obtain one by notifying the regional administrator of the waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12 (to obtain EPA form 8700-12, call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810).

(2) A letter requesting an identification number. Call RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

(i) The processor or rerefiner company name.

(ii) The owner of the processor or rerefiner company.

(iii) The mailing address for the processor or rerefiner.

- (iv) The name and telephone number for the processor or rerefiner point of contact.
- (v) The type of waste oil activity—for example, process only, process and rerefine.
- (vi) The location of the processor or rerefiner facility.

**§ 298.52. General facility standards.**

(a) *Preparedness and prevention.* The owner and operator of a waste oil processor or rerefiners facility shall comply with the following requirements:

(1) *Maintenance and operation of facility.* A facility shall be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water which could threaten human health or the environment.

(2) *Required equipment.* A facility shall be equipped with the following, unless none of the hazards posed by waste oil handled at the facility could require a particular kind of equipment specified in subparagraphs (i)—(iv):

(i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.

(ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or State or local emergency response teams.

(iii) A portable fire extinguisher, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas or dry chemicals), spill control equipment and decontamination equipment.

(iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, or automatic sprinklers or water spray systems.

(3) *Testing and maintenance of equipment.* The facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, when required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

(4) *Access to communications or alarm system.*

(i) Whenever waste oil is being poured, mixed, spread or otherwise handled, the personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the device is not required in paragraph (2).

(ii) When there is just one employee on the premises while the facility is operating, the employee shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the device is not required in paragraph (2).

- (5) *Required aisle space.* The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- (6) *Arrangements with local authorities.*
- (i) The owner or operator shall attempt to make the following arrangements, as appropriate, for the type of waste oil handled at the facility and the potential need for the services of these organizations:
- (A) Arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of waste oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes.
- (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority.
- (C) Agreements with State emergency response teams, emergency response contractors and equipment suppliers.
- (ii) Arrangements to familiarize local hospitals with the properties of waste oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.
- (iii) If State or local authorities decline to enter into these arrangements, the owner or operator shall document the refusal in the operating record.
- (b) *Contingency plan and emergency procedures.* Owners and operators of waste oil processing and rerefining facilities shall comply with the following requirements:
- (1) *Purpose and implementation of contingency plan.*
- (i) Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water.
- (ii) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion or release of waste oil which could threaten human health or the environment.
- (2) *Content of contingency plan.*
- (i) The contingency plan shall describe the actions facility personnel shall take to comply with paragraphs (1) and (6) in response to fires, explosions or any unplanned sudden or nonsudden release of waste oil to air, soil or surface water at the facility.
- (ii) If the owner or operator has already complied with 40 CFR Part 264, Subparts C and D (relating to preparedness and prevention; and contin-

gency plan and emergency procedures), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and modified in § 264a.56 (relating to emergency procedures) or has already prepared some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate waste oil management provisions that are sufficient to comply with this chapter.

(iii) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services, under subsection (a)(6).

(iv) The plan shall list names, addresses and the office and home phone numbers of the persons qualified to act as emergency coordinators, as described in paragraph (5), and this list shall be kept up to date. If more than one person is listed, one person shall be named as primary emergency coordinator and the others shall be listed in the order in which they will assume responsibility as alternates.

(v) The plan shall include a list of all emergency equipment at the facility—such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external) and decontamination equipment—if this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(vi) The plan shall include an evacuation plan for facility personnel if there is a possibility that evacuation could be necessary. This plan shall describe signals to be used to begin evacuation, evacuation routes and alternate evacuation routes, in cases where the primary routes could be blocked by releases of waste oil or fires.

(3) *Copies of contingency plan.* A copy of the contingency plan and revisions to the plan shall be:

(i) Maintained at the facility.

(ii) Submitted to all local police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services.

(4) *Amendment of contingency plan.* The contingency plan shall be reviewed and immediately amended, if necessary, whenever:

(i) Applicable regulations are revised.

(ii) The plan fails in an emergency.

(iii) The facility changes in its design, construction, operation, maintenance or other circumstances in a way that materially increases the potential for fires, explosions or releases of waste oil, or changes the response necessary in an emergency.

(iv) The list of emergency coordinators changes.

(v) The list of emergency equipment changes.

(5) *Emergency coordinator.* At all times, there shall be at least one employe either on the facility premises or on call—for example, available to respond to an emergency by reaching the facility within a short period of time—with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, the operations and activities at the facility, the location and characteristic of waste oil handled, the location of all records within the facility and facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

(6) *Emergency procedures.*

(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the designee when the emergency coordinator is on call, shall immediately do the following:

(A) Activate internal facility alarms or communication systems, if applicable, to notify all facility personnel.

(B) Notify appropriate State or local agencies with designated response roles if their help is needed.

(ii) Whenever there is a release, fire or explosion, the emergency coordinator shall immediately identify the character, exact source, amount and real extent of any released materials. The emergency coordinator may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.

(iii) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment shall consider both direct and indirect effects of the release, fire or explosion—for example, the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions.

(iv) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment, outside the facility, the emergency coordinator shall report the findings as follows:

(A) If the assessment indicated that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify the appropriate Departmental office of emergency response and the appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.

(B) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for the geographical area in the applicable regional contingency plan or the National Response Center (using the 24-hour toll free number (800) 424-8802). The report shall include:



- (1) The name and telephone number of reporter.
- (2) The name and address of the facility.
- (3) The time and type of incident-for example, release or fire.
- (4) The name and quantity of materials involved, to the extent known.
- (5) The extent of injuries, if any.
- (6) The possible hazards to human health, or the environment, outside the facility.

(v) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur or spread to other waste oil or hazardous waste at the facility. These measures shall include, if applicable, stopping processes and operation, collecting and containing released waste oil, and removing or isolating containers.

(vi) If the facility stops operation in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.

(vii) Immediately after an emergency, the emergency coordinator shall provide for recycling, storing or disposing of recovered waste oil, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the facility.

(viii) The emergency coordinator shall ensure that, in the affected areas of the facility, the following conditions apply:

(A) No waste or waste oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed.

(B) The emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(C) The owner or operator shall notify the Department and applicable local authorities that the facility is in compliance with clauses (A) and (B) before operations are resumed in the affected areas of the facility.

(ix) The owner or operator shall note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall submit a written report on the incident to the Department. The report shall include the following:

(A) The name, address and telephone number of the owner or operator.

(B) The name, address and telephone number of the facility.

(C) The date, time and type of incident-for example, fire or explosion.

(D) The name and quantity of materials involved.

(E) The extent of injuries, if any.

(F) An assessment of actual or potential hazards to human health or the environment, if applicable.

(G) An estimated quantity and disposition of recovered material that resulted from the incident.

#### Cross References

This section cited in 25 Pa. Code § 298.57 (relating to operating record and reporting).

### § 298.53. Rebuttable presumption for waste oil and flash point screening.

(a) To ensure that waste oil managed at a waste oil processing/rerefining facility is not hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), the owner or operator of a waste oil processing/rerefining facility shall determine whether the total halogen content of waste oil managed at the facility is above or below 1,000 parts per million. The waste oil processing/rerefining facility shall make the determination prior to the unloading of a transportation vehicle at the processing/rerefining facility.

(b) The owner or operator shall make this total halogen determination by either:

(1) Testing the waste oil.

(2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.

(c) Waste 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 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). Persons may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 251, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and therefore under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1 are excluded from regulation as hazardous waste.

(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to waste oils contaminated with CFCs removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.

(d) The owner or operator of a waste oil processing/refining facility shall test waste oil for flash point or shall request approval from the Department for an alternative method to screen waste oil for the purposes of detecting adulteration of waste oil and providing a safety measure in determining the potential for a waste oil to initiate a fire during storage and processing.

#### Cross References

This section cited in 25 Pa. Code § 298.55 (relating to analysis plan).

### § 298.54. Waste oil management.

(a) *Management units.* Waste oil processor/rerefiners may not store waste oil in units other than tanks, containers, or units subject to regulation under Chapters 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

(b) *Condition of units.* A container or aboveground tank used to store or process waste oil at waste oil processing and rerefining facilities shall meet the following conditions:

(1) *Be in good condition.* For example, containers and aboveground storage tanks may not exhibit severe rusting, apparent structural defects or deterioration.

(2) *Not leaking (no visible leaks).*

(c) *Secondary containment for containers.* A container used to store or process waste oil at waste oil processing and rerefining facilities shall be equipped with a secondary containment system.

(1) The secondary containment system shall consist of one of the following:

(i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(ii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent any waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.

(d) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures

access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(e) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(f) *Labels.*

(1) Except as provided in paragraphs (2) and (3), a container or aboveground tank used to store waste oil at processing and rerefining facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(3) Containers used in transportation may be labeled or marked with the words "used oil," instead of "waste oil," or the words required by a receiving state if the containers and vehicles are destined for recycling or disposal outside of this Commonwealth. If a person accepts waste oil from or delivers waste oil to a generator, transfer facility, or processor/rerefiner in Pennsylvania in a container used in transportation, paragraph (1) or (2) shall be met.

(4) Fill pipes used to transfer waste oil into underground storage tanks at processing or rerefining facilities shall be labeled or marked clearly with the words "waste oil" by no later than December 2, 2001. Fill pipes which are labeled or marked with the words "used oil" on June 2, 2001, shall be labeled or marked with the words "waste oil" by no later than June 2, 2003.

(g) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after June 2, 2001. An owner or operator shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and properly manage the released waste oil and other materials.

(4) If necessary, repair or replace any leaking waste oil storage containers or tanks prior to returning them to service.

(h) *Closure.*

(1) *Aboveground storage tanks.* The owner and operator who stores or processes waste oil in an aboveground tank shall comply with the following requirements:

(i) At closure of a tank system, the owner or operator shall remove or decontaminate waste oil residues in tanks, contaminated containment system

components, contaminated soils and structures and equipment contaminated with waste oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

(ii) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (i)(1)(i), the owner or operator shall close the tank system and perform post-closure care in accordance with the closure and postclosure care requirements that apply to hazardous waste landfills. (See 40 CFR 265.310 (relating to closure and post-closure care), incorporated by reference in § 265a.1 (relating to incorporation by reference, purpose, scope and applicability).

(2) *Containers.* An owner or operator who store waste oil in containers shall comply with the following requirements:

(i) At closure, containers holding waste oils or residues of waste oil shall be removed from the site.

(ii) The owner or operator shall remove or decontaminate waste oil residues, contaminated containment system components, contaminated soils and structures and equipment contaminated with waste oil, and manage them as hazardous waste, unless the materials are not hazardous waste under Chapter 261a (relating to identification and listing of hazardous waste).

(i) *Additional requirements.* In addition to the requirements of this subchapter, waste oil processor/rerefiners are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112), 40 CFR Part 264, Subparts C and D (relating to preparedness and prevention; and contingency plan and emergency procedures), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and modified in § 264a.56 (relating to emergency procedures). In addition to the requirements of this subchapter, a waste oil processor/rerefiner is also subject to the underground storage tank standards in Chapter 245 (relating to administration of the storage tank and spill prevention program) for waste oil stored in underground storage tanks whether or not the waste oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subchapter.

### § 298.55. Analysis plan.

The owner or operator of a waste oil processing or rerefining facility shall develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of § 298.53 (relating to rebuttable presumption for waste oil and flashpoint screening) and, if applicable, § 298.72 (relating to on-specification waste oil fuel). The owner or operator shall keep the plan at the facility.

(1) *Rebuttable presumption for waste oil and flash point screening in § 298.53.* At a minimum, the plan shall specify the following:

- (i) Whether sample analyses or knowledge of the halogen content of the waste oil will be used to make this determination.
  - (ii) If sample analyses are used to make this determination:
    - (A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
      - (I) One of the sampling methods in 40 CFR Part 261, Appendix I (relating to representative sampling methods) incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope).
      - (II) A method shown to be equivalent under 40 CFR 260.20 and 260.21 (relating to general; and petitions for equivalent testing or analytical methods), incorporated by reference in § 260a.1 (relating to incorporated by reference, purpose, scope and applicability).
    - (B) The frequency of sampling to be performed, and whether the analysis will be performed onsite or offsite.
    - (C) The methods used to analyze waste oil for the parameters specified in § 298.53.
  - (iii) The type of information that will be used to determine the halogen content of the waste oil.
- (2) *On-specification waste oil fuel in § 298.72.* At a minimum, the plan shall specify the following if § 298.72 applies:
- (i) Whether sample analyses or other information will be used to make this determination.
  - (ii) If sample analyses are used to make this determination:
    - (A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using one of the following:
      - (I) One of the sampling methods in 40 CFR Part 261, Appendix I, incorporated by reference in § 261a.1.
      - (II) A method shown to be equivalent under 40 CFR 260.20 and 260.21 incorporated by reference in § 260a.1.
    - (B) Whether waste oil will be sampled and analyzed prior to or after any waste oil processing/rerefining.
    - (C) The frequency of sampling to be performed and whether the analysis will be performed onsite or offsite.
    - (D) The methods used to analyze waste oil for the parameters specified in § 298.72.
  - (iii) The type of information that will be used to make the on-specification waste oil fuel determination.

### § 298.56. Tracking.

- (a) *Acceptance.* A waste oil processor/rerefiner shall keep a record of each waste oil shipment accepted for waste oil processing/rerefining. These records

may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

- (1) The name and address of the transporter who delivered the waste oil to the processor/rerefiner.
- (2) The name and address of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent for waste oil processing/rerefining.
- (3) The identification number of the transporter who delivered the waste oil to the processor/rerefiner.
- (4) The identification number (if applicable) of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent for waste oil processing/rerefining.
- (5) The quantity of waste oil accepted.
- (6) The date of acceptance.

(b) *Delivery.* A waste oil processor/rerefiner shall keep a record of each shipment of waste oil that is shipped to a waste oil burner, processor/rerefiner, transfer facility or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

- (1) The name and address of the transporter who delivers the waste oil to the burner, processor/rerefiner, transfer facility or disposal facility.
- (2) the name and address of the burner, processor/rerefiner, transfer facility or disposal facility who will receive the waste oil.
- (3) The identification number of the transporter who delivers the waste oil to the burner, transfer facility, processor/rerefiner or disposal facility.
- (4) The identification number of the burner, processor/rerefiner, transfer facility or disposal facility who will receive the waste oil.
- (5) The quantity of waste oil shipped.
- (6) The date of shipment.

(c) *Record retention.* The records described in subsections (a) and (b) shall be maintained for at least 3 years.

#### **§ 298.57. Operating record and reporting.**

(a) *Operating record.*

- (1) The owner or operator shall keep a written operating record at the facility.
- (2) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
  - (i) Records and results of waste oil analysis performed as described in the analysis plan required under § 298.55 (relating to analysis plan).
  - (ii) Summary reports and details of all incidents that require implementation of the contingency plan as specified in § 298.52(b) (relating to general facility standards).

(b) *Reporting.* A waste oil processor/rerefiner shall report to the Department in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning waste oil activities during the previous calendar year:

- (1) The identification number, name, and address of the processor/rerefiner.
- (2) The calendar year covered by the report.
- (3) The quantities of waste oil accepted for waste oil processing/rerefining and the manner in which the waste oil is processed/rerefined, including the specific processes employed.

**§ 298.58. Offsite shipments of waste oil.**

A waste oil processor/rerefiner who initiates shipments of waste oil offsite shall ship the waste oil using a waste oil transporter who has obtained an identification number.

**§ 298.59. Management of waste.**

An owner or operator of waste oil processing/rerefining facilities who generates waste from the storage, waste oil processing or rerefining of waste oil shall manage the wastes from its operations as specified in § 298.10(e) (relating to materials derived from waste oil).

**Subchapter G. WASTE OIL BURNERS WHO BURN OFF-SPECIFICATION WASTE OIL FOR ENERGY RECOVERY**

- Sec.
- |         |                                       |
|---------|---------------------------------------|
| 298.60. | Applicability.                        |
| 298.61. | Restrictions on burning.              |
| 298.62. | Notification.                         |
| 298.63. | Rebuttable presumption for waste oil. |
| 298.64. | Waste oil storage.                    |
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| 298.67. | Management of waste.                  |

**Cross References**

This subchapter cited in 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); and 25 Pa. Code § 298.70 (relating to applicability).

**§ 298.60. Applicability.**

(a) *General.* This subchapter applies to waste oil burners except as specified in paragraphs (1) and (2). A waste oil burner is a facility where waste oil not meeting the specification requirements in § 298.11 (relating to waste oil specifi-



cations) is burned for energy recovery in devices identified in § 298.61(a) (relating to restrictions on burning). A waste oil burner who complies with this subchapter is deemed to have a solid waste permit for the burning of that waste oil. The Department may require a waste oil burner subject to permit-by-rule to apply for, and obtain, an individual or general permit, or take other appropriate action, when the waste oil burner is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth. Facilities burning waste oil for energy recovery under one or more of the following conditions are not subject to this subchapter:

(1) The waste oil is burned by the generator in an onsite space heater under the provisions of § 298.23 (relating to onsite burning in space heaters).

(2) The waste oil is burned by a processor/rerefiner for purposes of processing waste oil which is considered burning incidentally to waste oil processing.

(b) *Other applicable provisions.* A waste oil burner who conducts the following activities is also subject to other applicable provisions of this chapter as follows:

(1) A burner who generates waste oil shall also comply with Subchapter C (relating to waste oil generators).

(2) A burner who transports waste oil shall also comply with Subchapter E (relating to waste oil transporters and transfer facilities).

(3) Except as provided in § 298.61(b), a burner who processes or rerefines waste oil shall also comply with Subchapter F (relating to waste oil processing/rerefining facilities).

(4) A burner who directs shipments of off-specification waste oil from its facility to a waste oil burner or first claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 shall also comply with Subchapter H (relating to waste oil fuel marketers).

(5) A burner shall dispose of waste oil in accordance with Article VII or IX (relating to hazardous waste management; and residual waste management).

(c) *Specification fuel.* This subchapter does not apply to a person burning waste oil that meets the waste oil fuel specification of § 298.11, if the burner complies with Subchapter H.

### § 298.61. Restrictions on burning.

(a) Off-specification waste oil fuel may be burned for energy recovery in only the following devices:

(1) An industrial furnace identified in 40 CFR 260.10 (relating to definitions), incorporated by reference in § 260a.1 (relating to incorporation by reference, purpose, scope and applicability).

(2) A boiler, as defined in 40 CFR 260.10, incorporated by reference in § 260a.1 that is identified as follows:

(i) An industrial boiler 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) A utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(iii) A waste oil-fired space heater if the burner meets the provisions of § 298.23 (relating to onsite burning in space heaters).

(3) A hazardous waste incinerator subject to 40 CFR Part 264, Subpart O (relating to incinerators), incorporated in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), or 40 CFR Part 265, Subpart O (relating to incinerator), incorporated by reference in § 265a.1 (relating to incorporation by reference, purpose, scope and applicability).

(b) A person burning waste oil in a boiler or industrial furnace specified in paragraph (1) or (2) shall have a plan approval and operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources) from the Bureau of Air Quality, or written approval from the Bureau of Air Quality if the fuel is burned in Allegheny or Philadelphia counties if Allegheny or Philadelphia county is issued first.

(c) Except as provided in subsection (d), a waste oil burner may not process waste oil unless it also complies with the requirements of Subchapter F (relating to waste oil processing/refining facilities).

(d) A waste oil burner may aggregate off-specification waste oil with virgin oil or on-specification waste oil for purposes of burning, but may not aggregate for purposes of producing on-specification waste oil.

#### Cross References

This section cited in 25 Pa. Code § 298.1 (relating to definitions); 25 Pa. Code § 298.60 (relating to applicability); 25 Pa. Code § 298.66 (relating to notices); 25 Pa. Code § 298.72 (relating to prohibitions); and 25 Pa. Code § 298.75 (relating to notices).

#### § 298.62. Notification.

(a) *Identification numbers.* A waste oil burner which has not previously complied with the notification requirements of 40 CFR 264.11 (relating to identification number), incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference), and 40 CFR 265.11 (relating to identification number), incorporated by reference in § 265a.1 (relating to incorporation by reference, purpose, scope and applicability), shall comply with these requirements and obtain an EPA identification number.

(b) *Mechanics of notification.* A waste oil burner who has not received an identification number may obtain one by notifying the regional administrator of their waste oil activity by submitting one of the following:

(1) A completed EPA form 8700-12 (to obtain EPA form 8700-12 call RCRA/Superfund hotline at (800) 424-9346 or (703) 920-9810).

(2) A letter requesting an identification number. A burner may call the RCRA/Superfund hotline to determine where to send a letter requesting an identification number. The letter should include the following information:

- (i) The burner company name.
- (ii) The owner of the burner company.
- (iii) The mailing address for the burner.
- (iv) The name and telephone number for the burner point of contact.
- (v) The type of waste oil activity.
- (vi) The location of the burner facility.

**§ 298.63. Rebuttable presumption for waste oil.**

(a) To ensure that waste oil managed at a waste oil burner facility is not hazardous waste under the rebuttable presumption of § 298.10(b)(1)(ii) (relating to applicability), a waste oil burner shall determine whether the total halogen content of waste oil managed at the facility is above or below 1,000 parts per million.

(b) The waste oil burner shall determine if the waste oil contains above or below 1,000 parts per million total halogens by one of the following:

- (1) Testing the waste oil.
- (2) Applying knowledge of the halogen content of the waste oil in light of the materials or processes used.
- (3) If the waste oil has been received from a processor/rerefiner subject to regulation under Subchapter F (relating to waste oil processing/rerefining facilities), using information provided by the processor/rerefiner.

(c) Waste 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 under 40 CFR Part 261, Subpart D (relating to lists of hazardous waste), incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). A person may rebut this presumption by demonstrating that the waste oil does not contain hazardous waste. For example, by using an analytical method from the current edition of SW-846 to show that the waste oil does not contain significant concentrations of halogenated hazardous constituents identified in 40 CFR Part 261, Appendix VIII (relating to hazardous constituents), incorporated by reference in § 261a.1. EPA publication SW-846, current edition, is available from the Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 512-1800 (Document number 955-001-00000-1). Another way of rebutting this presumption is to demonstrate that the halogenated constituents are from wastes generated by households and, therefore, under 40 CFR 261.4(b)(1) (relating to exclusions), incorporated by reference in § 261a.1 are excluded from regulation as hazardous waste.

- (1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in § 298.24(c) (relating to offsite shipments), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if the oils/fluids are recycled in any other manner, or disposed.
- (2) The rebuttable presumption does not apply to waste oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to waste oils contaminated with CFCs that have been mixed with waste oil from sources other than refrigeration units.
- (d) *Record retention.* Records of analyses conducted or information used to comply with subsections (a)—(c) shall be maintained by the burner for at least 3 years.

#### § 298.64. Waste oil storage.

- (a) *Storage units.* A waste oil burner may not store waste oil in units other than tanks, containers or units subject to regulation under Chapter 264a or 265a (relating to owners and operators of hazardous waste treatment, storage and disposal facilities; and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).
- (b) *Condition of units.* Containers and aboveground storage tanks used to store oil at burner facilities shall meet the following conditions:
  - (1) *Be in good condition.* For example, containers and aboveground storage tanks shall not exhibit severe rusting, apparent structural defects or deterioration.
  - (2) *Not leaking (no visible leaks).*
- (c) *Secondary containment for containers.* A container used to store waste oil at burner facilities shall be equipped with a secondary containment system.
  - (1) The secondary containment system shall consist of one of the following:
    - (i) Dikes, berms or retaining walls and a floor. The floor shall cover the entire area within the dike, berm or retaining wall.
    - (ii) An equivalent secondary containment system.
  - (2) The entire containment system, including walls and floor, shall be sufficiently impervious to the migration of waste oil to prevent waste oil released into the containment system from migrating out of the system to the soil, groundwater or surface water.
- (d) *Additional requirements for containers.* The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

(e) *Additional requirements for storage tanks.* Storage tanks used to store waste oil shall be designed and operated in accordance with § 299.122(b) (relating to storage tanks). For existing aboveground storage tanks, an alternative design to secondary containment may be demonstrated where the tank meets the ground.

(f) *Labels.*

(1) Except as provided in paragraph (2), a container or aboveground tank used to store waste oil at burner facilities shall be labeled or marked clearly with the words “waste oil” by no later than December 2, 2001.

(2) Containers or aboveground storage tanks which are labeled or marked with the words “used oil” on June 2, 2001, shall be labeled or marked with the words “waste oil” by no later than June 2, 2003.

(3) Fill pipes used to transfer waste oil into underground storage tanks at burner facilities shall be labeled or marked clearly with the words “waste oil” by no later than December 2, 2001. Fill pipes which are labeled or marked with the words “used oil” on June 2, 2001, shall be labeled or marked with the words “waste oil” by no later than June 2, 2003.

(g) *Response to releases.* Upon detection of a release of waste oil to the environment not subject to Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) which has occurred after June 2, 2001, a burner shall perform the following cleanup steps:

(1) Stop the release.

(2) Contain the released waste oil.

(3) Clean up and properly manage the released waste oil and other materials.

(4) Repair or replace any leaking waste oil storage containers or tanks prior to returning them to service, if necessary.

(h) In addition to the requirements of this subchapter, a waste oil burner shall maintain, in a readily accessible place at the facility, a copy of a preparedness, prevention and contingency (PPC) plan that is consistent with the Department’s most recent guidelines for development and implementation of PPC plans. Waste oil burners are subject to all applicable spill prevention, control and countermeasures (40 CFR Part 112 (relating to oil pollution prevention)) in addition to the requirements of this subchapter. A waste oil burner is also subject to the underground storage tank standards for waste oil stored in underground storage tanks in Chapter 245 (relating to administration of the storage tank and spill prevention program) whether or not the waste oil exhibits any characteristics of hazardous waste.

### § 298.65. Tracking.

(a) *Acceptance.* A waste oil burner shall keep a record of each waste oil shipment accepted for burning. These records may take the form of a log, invoice,

manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:

- (1) The name and address of the transporter who delivered the waste oil to the burner.
  - (2) The name and address of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent to the burner.
  - (3) The identification number of the transporter who delivered the waste oil to the burner.
  - (4) The identification number (if applicable) of the generator, transfer facility or processor/rerefiner from whom the waste oil was sent to the burner.
  - (5) The quantity of waste oil accepted.
  - (6) The date of acceptance.
- (b) *Record retention.* The records described in subsection (a) shall be maintained for at least 3 years.

#### § 298.66. Notices.

(a) *Certification.* Before a burner accepts the first shipment of off-specification waste oil fuel from a generator, transporter, transfer facility or processor/rerefiner, the burner shall provide to the generator, transporter, transfer facility or processor/rerefiner a one-time written and signed notice certifying the following:

- (1) The burner has notified EPA stating the location and general description of its waste oil management activities.
  - (2) The burner will burn the waste oil only in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).
- (b) *Certification retention.* The certification described in subsection (a) shall be maintained for 3 years from the date the burner last receives shipment of off-specification waste oil from that generator, transporter, transfer facility or processor/rerefiner.

#### § 298.67. Management of waste.

A burner who generates waste from the storage or burning of waste oil shall manage the waste as specified in § 298.10(e) (relating to applicability).

### Subchapter H. WASTE OIL FUEL MARKETERS

- Sec.  
298.70. Applicability.  
298.71. Prohibitions.  
298.72. On-specification waste oil fuel.  
298.73. Notification.  
298.74. Tracking.  
298.75. Notices.

**Cross References**

This subchapter cited in 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); and 25 Pa. Code § 298.60 (relating to applicability).

**§ 298.70. Applicability.**

(a) A person who conducts one of the following activities is subject to the requirements of this subchapter:

(1) Directs a shipment of off-specification waste oil from its facility to a waste oil burner.

(2) First claims that waste oil that is to be burned for energy recovery meets the waste oil fuel specifications in § 298.11 (relating to waste oil specifications).

(b) The following persons are not marketers subject to this subchapter:

(1) Waste oil generators, waste oil transporters and waste oil transfer facilities who transport waste oil received only from waste oil generators, unless the waste oil generator, waste oil transporter or waste oil transfer facility directs a shipment of off-specification waste oil from its facility to a waste oil burner. However, waste oil processors/rerefiners who burn some waste oil fuel for purposes of waste oil processing are considered to be burning incidentally to waste oil processing. Thus, waste oil generators, waste oil transporters and waste oil transfer facilities who direct shipments of off-specification waste oil to waste oil processors/rerefiners who incidentally burn waste oil are not marketers subject to this subchapter.

(2) Persons who direct shipments of on-specification waste oil and who are not the first person to claim the oil meets the waste oil fuel specifications of § 298.11.

(c) Any person subject to the requirements of this subchapter shall also comply with one of the following:

(1) Subchapter C (relating to waste oil generators).

(2) Subchapter E (relating to waste oil transporters and transfer facilities).

(3) Subchapter F (relating to waste oil processing/rerefining facilities).

(4) Subchapter G (relating to waste oil burners who burn off-specification waste oil for energy recovery).

**§ 298.71. Prohibitions.**

A waste oil fuel marketer may initiate a shipment of off-specification waste oil only to a waste oil burner which:

(1) Has an identification number.

(2) Burns the waste oil in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).

**§ 298.72. On-specification waste oil fuel.**

(a) *Analysis of waste oil fuel.* A waste oil generator, waste oil transporter, waste oil transfer facility, waste oil processor/rerefiner or waste oil burner may determine that waste oil that is to be burned for energy recovery meets the fuel specifications of § 298.11 (relating to waste oil specifications) by performing analyses or obtaining copies of analyses or other information documenting that the waste oil fuel meets the specifications.

(b) *Record retention.* A waste oil generator, waste oil transporter, waste oil transfer facility, waste oil processor/rerefiner or waste oil burner who first claims that waste oil that is to be burned for energy recovery meets the specifications for waste oil fuel under § 298.11 shall keep copies of analyses of the waste oil (or other information used to make the determination) for 3 years.

**Cross References**

This section cited in 25 Pa. Code § 298.11 (relating to waste oil specifications); 25 Pa. Code § 298.55 (relating to analysis plan); and 25 Pa. Code § 298.74 (relating to tracking).

**§ 298.73. Notification.**

(a) *Identification numbers.* A waste oil fuel marketer subject to this subchapter who has not previously obtained an identification number shall comply with these requirements and obtain an EPA identification number.

(b) A marketer who has not received an identification number may obtain one by notifying the EPA Regional Administrator of its waste oil activity by submitting one of the following:

- (1) A completed EPA form 8700-12.
- (2) A letter requesting an identification number. The letter shall include the following information:
  - (i) The marketer company name.
  - (ii) The owner of the marketer.
  - (iii) The mailing address for the marketer.
  - (iv) The name and telephone number for the marketer point of contact.
  - (v) The type of waste oil activity (for example, generator directing shipments of off-specification waste oil to a burner).

**Cross References**

This section cited in 25 Pa. Code § 298.11 (relating to waste oil specifications).

**§ 298.74. Tracking.**

(a) *Off-specification waste oil delivery.* A waste oil marketer who directs a shipment of off-specification waste oil to a burner must keep a record of each shipment of waste oil to a burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include the following information:



- (1) The name and address of the transporter who delivers the waste oil to the burner.
  - (2) The name and address of the burner who will receive the waste oil.
  - (3) The identification number of the transporter who delivers the waste oil to the burner.
  - (4) The identification number of the burner.
  - (5) The quantity of waste oil shipped.
  - (6) The date of shipment.
- (b) *On-specification waste oil delivery.* A generator, transporter, transfer facility, processor/rerefiner or burner who first claims that waste oil that is to be burned for energy recovery meets the fuel specifications under § 298.11 (relating to waste oil specifications) shall keep a record of each shipment of waste oil to the facility to which it delivers the waste oil. Records for each shipment shall include the following information:
- (1) The name and address of the facility receiving the shipment.
  - (2) The quantity of waste oil fuel delivered.
  - (3) The date of shipment or delivery.
  - (4) A cross reference to the record of waste oil analysis or other information used to make the determination that the oil meets the specification as required under § 298.72(a) (relating to on-specification waste oil fuel).
- (c) *Record retention.* The records described in subsections (a) and (b) shall be maintained for at least 3 years.

#### Cross References

This section cited in § 298.11 (relating to waste oil specifications).

#### § 298.75. Notices.

- (a) *Certification.* Before a waste oil generator, transporter, transfer facility or processor/rerefiner directs the first shipment of off-specification waste oil fuel to a burner, it shall obtain a one-time written and signed notice from the burner certifying the following:
- (1) That the burner has notified EPA stating the location and general description of waste oil management activities.
  - (2) That the burner will burn the off-specification waste oil only in an industrial furnace or boiler identified in § 298.61(a) (relating to restrictions on burning).
- (b) *Certification retention.* The certification described in subsection (a) shall be maintained for 3 years from the date the last shipment of off-specification waste oil is shipped to the burner.

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