

**7045.0875 STANDARDS FOR USED OIL PROCESSORS AND REREFINERS.**

Subpart 1. **Applicability.** The requirements of this part apply to owners and operators of facilities that process used oil. The requirements of this part do not apply to:

A. transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in part 7045.0865, subpart 4; and

B. burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in part 7045.0885, subpart 3.

Subp. 2. **Notification.** Used oil processors/rerefiners who have not notified the EPA that they are processors/rerefiners of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil processing/rerefining activities.

Subp. 3. **Preparedness and prevention.** Owners and operators of used oil processing and rerefining facilities must comply with the requirements in this subpart:

A. Facilities must be maintained and operated by the owner or operator to minimize the possibility of a fire, explosion, or an unplanned release of used oil to air, soil, or surface water which could threaten human health or the environment.

B. Owners and operators must ensure that facilities are equipped with the following equipment, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in this item:

(1) an internal communications or alarm system capable of providing immediate emergency voice or signal instruction to facility personnel;

(2) a device, such as a telephone immediately available at the scene of operation 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;

(3) portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

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

C. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained by the owner or operator as necessary to ensure their proper operation in time of emergency.

D. Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with

another employee, unless such a device is not required in item B. If there is ever only one employee on the premises while the facility is operating, the employee must 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 such a device is not required in item B.

E. The owner or operator must 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.

F. The owner or operator must attempt to make the arrangements described in this item, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations.

(1) The owner or operator must attempt to make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used 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. Where more than one police and fire department might respond to an emergency, the owner or operator must attempt to make 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. The owner or operator must attempt to make agreements with state emergency response teams, emergency response contractors, and equipment suppliers. The owner or operator must attempt to make arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(2) Where state or local authorities decline or accept to enter into such arrangements, the owner or operator must document the refusal or acceptance in the operating record.

G. Owners and operators of used oil processing and rerefining facilities must comply with the requirements described in this item.

(1) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of used oil to air, soil, or surface water. The owner or operator must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.

(2) The contingency plan must describe the actions facility personnel must take to comply with subitems (1) and (6) in response to fires, explosions or any

unplanned release of used oil to air, soil, or surface water at the facility. If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with Code of Federal Regulations, title 40, part 112 or 1510, as amended, a prevention and response plan under Minnesota Statutes, chapter 115E, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of parts 7045.0790 to 7045.0990. The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to item F. The plan must list the up-to-date names, addresses, and telephone numbers, both office and home, of all persons qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. The plan must include an up-to-date list of all emergency equipment at the facility, where this equipment is required. In addition, the plan must include the location and a physical description of each item on the list and its capabilities. The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(3) The owner or operator must maintain a copy of the contingency plan and all revisions to the plan at the facility, and submit copies of the plan 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) The owner or operator must review and immediately amend the contingency plan, if necessary, whenever applicable regulations are revised, the plan fails in an emergency; the facility's design, operation, construction, maintenance, or other aspects change in a way that materially increases the potential for fires, explosions, releases of used oil, or changes the response necessary in an emergency; the list of emergency coordinators changes; or the list of emergency equipment changes.

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

(6) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the designee when the emergency coordinator is on-call, must immediately activate internal facility alarms or communications systems where applicable to notify all facility personnel, and notify appropriate state or local agencies with designated response roles if their help is needed. Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and 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.

Concurrently, the emergency coordinator must assess possible hazards to human health and the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion for example, effects of released gases or water runoff from fire control measures.

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, such findings must be reported as follows. If the assessment indicates that evacuation of local areas may be advisable, the coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated. The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for the geographical area in the applicable regional contingency plan under Code of Federal Regulations, title 40, part 1510, as amended, or the National Response Center at (800) 424-8802. The report must include: name and telephone number of the reporter; name and address of facility; time and type of incident, name and quantity of materials involved, to the extent known; the extent of injuries, if any; and the possible hazards to human health and the environment outside the facility.

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

If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate. Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposal of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

The emergency coordinator must ensure that, in the affected areas of the facility, no waste or used oil that may be incompatible with the released material is recycled, treated,

stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed. The owner or operator must notify the commissioner, and appropriate state and local authorities, that the facility is in compliance with this subitem before operations are resumed in the affected areas of the facility.

The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, the emergency coordinator must submit a written report on the incident to the commissioner. The report must include: the name, address, and telephone number of the owner or operator; the name, address, and telephone number of the facility; the date, time, and type of incident; the name and quantity of materials involved; the extent of injuries, if any; an assessment of actual or potential hazards to human health and the environment, where applicable; and the estimated quantity and disposition of recovered material that resulted from the incident.

**Subp. 4. Rebuttable presumption for used oil.**

A. To ensure that used oil managed at a used oil processing/rerefining facility is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil processor/rerefiner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B.

B. The used oil processor/rerefiner must make this determination by testing the used oil, or by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The used oil processor/rerefiner may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 3.

D. The used oil processor/rerefiner must maintain records of analyses conducted or information used to comply with items A to C for at least three years.

**Subp. 5. Used oil storage and management.**

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

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

C. Used oil processors/rerefiners shall not store used oil in units other than containers or tanks and shall ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at processing/rerefining facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system. The secondary containment system must consist of, at a minimum, dikes, berms, or retaining walls, and a floor which covers the entire area within the dike, berm, or retaining wall. An equivalent secondary containment system may be used for containers. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at transfer facilities may also be subject to the secondary containment requirements and other requirements in chapter 7151.

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

E. Closure:

(1) Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0155. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this subitem, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

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

Subp. 6. **Analysis plan.** Owners and operators of used oil processing and rerefining facilities must develop and follow a written analysis plan in accordance with items A and B describing the procedures that will be used to comply with the total halogen analysis requirements of subpart 4, and, if applicable, the fuel specification analysis requirements of part 7045.0895, subpart 4. The owner or operator must keep the plan at the facility.

A. The plan must specify whether sample analyses or knowledge of the halogen content of the used oil will be used to make the determination of the content and source of halogens in used oil.

If sample analyses are used to make this determination, the sampling method used to obtain representative samples to be analyzed must be specified in the plan. A representative sample may be obtained using either one of the sampling methods in Code of Federal Regulations, title 40, part 261, Appendix I, as amended, or a method shown to be equivalent under part 7045.0075, subpart 1. The plan must specify the frequency of sampling to be performed, whether the analysis will be performed on-site or off-site, and the methods used to analyze used oil for parameters specified in subpart 4.

The plan must also specify the type of information that will be used to determine the halogen content of the used oil.

B. The plan must specify whether sample analyses or other information will be used to make the determination of whether the used oil meets the used oil fuel specifications.

If sample analyses are used to make this determination, the sampling method used to obtain representative samples to be analyzed must be specified in the plan. A representative sample may be obtained using either one of the sampling methods in Code of Federal Regulations, title 40, part 261, Appendix I, as amended, or a method shown to be equivalent under part 7045.0075, subpart 1. The plan must specify whether used oil will be sampled and analyzed prior to or after any processing/rerefining, the frequency of sampling to be performed, whether the analysis will be performed on-site or off-site, and the methods used to analyze used oil for parameters specified in part 7045.0895, subpart 4.

The plan must also specify the type of information that will be used to determine the halogen content of the used oil.

**Subp. 7. Tracking.**

A. Used oil processors/rerefiners must keep a record of each used oil shipment accepted for processing/rerefining. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

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

B. Used oil processors/rerefiners must keep a record of each shipment of used oil that is shipped to a used oil burner or processor/rerefiner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records of each shipment must include the following information:

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

C. Used oil processors/rerefiners must maintain the records described in items A and B for at least three years.



**Subp. 8. Operating record and reporting.**

A. The owner or operator must keep a written operating record at the facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(1) records and results of used oil analyses performed as described in the analysis plan required under subpart 6; and

(2) summary reports and details of all incidents that require implementation of the contingency plan as specified under subpart 3, item G.

B. A used oil processor/rerefiner must report to the commissioner, in the form of a letter, on a biennial basis (by March 1 of each even-numbered year), the following information concerning used 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; and

(3) the quantities of used oil accepted for processing/rerefining and the manner in which the used oil is processed/rerefined, including the specific process employed.

**Subp. 9. Off-site shipments of used oil.** Used oil processors/rerefiners who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained an identification number.

**Subp. 10. Management of residues.** Owners and operators who generate residues from the storage, processing, or rerefining of used oil must manage the residues as specified in part 7045.0815.

**Subp. 11. Other applicable provisions.** Used oil processors/rerefiners who conduct the following activities are also subject to the requirements of other applicable provisions of parts 7045.0790 to 7045.0990 as follows:

A. processors/rerefiners who generate used oil must also comply with part 7045.0855;

B. processors/rerefiners who transport used oil must also comply with part 7045.0865;

C. except for used oil processors/rerefiners that burn used oil in an on-site burning unit that meets the requirements of part 7045.0855, subpart 3, or that burn used oil for purposes of processing used oil (which is considered burning incidentally to used oil processing), used oil processors/rerefiners who burn off-specification used oil for energy recovery must also comply with part 7045.0885; and

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

**Statutory Authority:** *MS s 116.07*

**History:** *20 SR 715; 22 SR 5; 22 SR 2300; 32 SR 10; 33 SR 2042*

**Published Electronically:** *October 10, 2013*