



South Carolina Department of
Health and Environmental
Control

Regulation 61-107.279

SWM: Used Oil

Effective Date: June 24, 2016

**Bureau of Land & Waste Management
Division of Mining & Solid Waste
Management 2600 Bull Street
Columbia, SC 29201**

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PREAMBLE

The South Carolina Solid Waste Policy and Management Act (Act), Section 44-96-10 et seq., S.C. Code of Laws, 1976, as amended, requires the Department to promulgate regulations establishing standards for the management of used oil. In 1995, to satisfy the requirements of the Act, the Department promulgated R.61-107.279, Solid Waste Management: Used Oil. The regulation has not been amended since it became effective in 1995.

This amendment removes the requirement for used oil fuel marketers to obtain a permit; revises existing language for clarity; and clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil standards and when it is not to conform to federal regulations. The revision clarifies violations and penalties.

Regulation History

Promulgated pursuant to 1976 S.C. Code Section 44-96-10 et seq. as amended and originally published in S.C State Register 19-7, effective July 28 1995.

And last amended by Document No. 4613 in S.C. State Register 40-6, effective June 24, 2016

R. 61-107.279. Solid Waste Management: Used Oil.

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SUBPART A: DEFINITIONS

279.1 Definitions.

Terms that are defined in the South Carolina Hazardous Waste Management Regulations R.61-79.260.10, and 261.1, and South Carolina Underground Storage Tank Control Regulations R.61-92.280.12 but are not defined in this regulation have the same meanings when used in this regulation.

a. "Aboveground tank" means a tank used exclusively to store or process used oil that is not an underground storage tank as defined in the South Carolina Underground Storage Tank Control Regulations, R.61-92.280.12.

b. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

c. "Department" means the South Carolina Department of Health and Environmental Control.

d. "Do-it-yourselfer used oil collection center" means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

e. "Energy recovery" means the beneficial use, reuse, recycling, or reclamation of solid waste through the use of the waste to recover energy therefrom.

f. "Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either (1) a continuous

on-site installation program has begun, or (2) the owner or operator has entered into contractual obligations - which cannot be canceled or modified without substantial loss - for installation of the tank to be completed within a reasonable time.

g. "Facility" means all contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

h. "Hazardous substance" means any substance the Environmental Protection Agency (EPA) has designated for special consideration under the Clean Air Act (CAA), Clean Water Act (CWA), or Toxic Substances Control Act (TSCA), and any hazardous waste, as defined.

i. "Hazardous waste" has the meaning provided in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

j. "Hot-drained" means that the oil filter is drained near engine operating temperature and above room temperature.

k. "Household 'do-it-yourselfer' used oil" means used oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

l. "Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

m. "Landfill" means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

n. "Motor oil" and "similar lubricants" mean the fraction of crude oil or synthetic oil that is classified for the use in the crankcase, transmission, gearbox, or differential of an internal combustion engine, including automobiles, buses, trucks, lawn mowers and other household power equipment, industrial machinery, and other mechanical devices that derive their power from internal combustion engines. The terms include re-refined oil but do not include heavy greases and specialty industrial or machine oils, such as spindle oils, cutting oils, steam cylinder oils, industrial oils, electrical insulating oils, or solvents which are not sold at retail in this State.

o. "New tank" means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of this regulation.

p. "Owner/operator" means the person who owns the land on which a solid waste management facility is located or the person who is responsible for the overall operation of the facility, or both.

q. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

r. "Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, re-distillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

s. "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

t. "Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

u. "Recycling" means any process by which materials which would otherwise become solid waste, are separated or processed and reused or returned to use in the form of raw materials or products (including composting).

v. "Resource recovery" means the process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.

w. "Tank" means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provides structural support.

x. "Terne plated" means oil filters which are plated with an alloy of tin and lead.

y. "Used oil" means any oil which has been refined from crude or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and may be economically recyclable.

z. "Used oil aggregation point" means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

aa. "Used oil burner" means a facility where used oil not meeting the specification requirements in 279.11 is burned for energy recovery in devices identified in 279.61.a.

bb. "Used oil collection center" means a facility which, in the course of business, accepts used oil for subsequent disposal or recycling. Used oil collection centers may also accept used oil from household do-it-yourselfers.

cc. "Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

dd. "Used oil fuel marketer" means any person who conducts either of the following activities:

(i) Directs a shipment of off-specification used oil from their facility to a used oil burner; or

(ii) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11 of this regulation.

ee. "Used oil processor/re-refiner" means a facility that processes used oil.

ff. "Used oil transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to 279.20(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this part.

gg. "Used oil transporter" means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

SUBPART B: APPLICABILITY.

279.10 Applicability.

a. Except as provided in 279.11, the regulations of this part apply to used oil, and to materials identified in this section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in R.61-79.261.

b. Mixtures of used oil and hazardous waste.

(1) Listed hazardous waste.

(a) Mixtures of used oil and hazardous waste that are listed in Subpart D of R.61-79.261 are subject to regulation as hazardous waste under R.61-79.260 through 266, 268, 270, and 124, rather than as used oil under this regulation.

(b) Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of

R.61-79.261. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of R.61-79.261).

(i) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 279.24.c, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

(ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) reclaimed to the extent possible from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(2) Mixtures of used oil and hazardous waste that solely exhibit one or more of the hazardous waste characteristics identified in subpart C of R.61-79.261 and mixtures of used oil and hazardous waste that are listed in subpart D solely because they exhibit one or more of the characteristics of hazardous waste identified in subpart C are subject to:

(a) Except as provided in paragraph b.(2)(c) of this regulation, regulation as hazardous waste under R.61-79.260 through 266, 268, 270, and 124 rather than as used oil under this regulation, if the resultant mixture exhibits any characteristics of hazardous waste identified in Subpart C of R.61-79.261; or

(b) Except as specified in paragraph b.(2)(c), regulation as used oil under this regulation, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under Subpart C of R.61-79.261.

(c) Regulation as used oil under this regulation, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits) and is not listed in Subpart D of R.61-79.261, provided that the mixture does not exhibit the characteristic of ignitability under R.61-79.261.21.

(3) Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under R.61-79.261.5 are subject to regulation as used oil under this regulation.

c. Materials containing or otherwise contaminated with used oil.

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

(a) Not used oil and thus not subject to this regulation; and

(b) Solid wastes, and if the materials are listed or identified as hazardous waste, are subject to the hazardous waste regulations R.61-79.260 through 266, 268, 270, and 124.

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this regulation.

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

d. Mixtures of used oil with other fuel products.

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

(2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this regulation once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this regulation.

e. Materials derived from used oil.

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

(a) Not used oil and thus are not subject to this regulation, and

(b) Not solid wastes and are thus not subject to the hazardous waste regulations of R.61-79.260 through 266, 268, 270, and 124 as provided in R.61-79.261.3(c)(2)(i).

(2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this regulation.

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

(a) Not used oil and thus are not subject to this regulation, and

(b) Are solid wastes and thus are subject to the hazardous waste regulations of R.61-79.260 through 266, 268, 270, and 124 if the materials are listed or identified as hazardous waste.

(4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this regulation.

f. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this regulation. For purposes of this paragraph, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

g. Used oil introduced into crude oil pipelines or a petroleum refining facility.

(1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this part. The used oil is subject to the requirements of this part prior to the mixing of used oil with crude oil or natural gas liquids.

(2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this regulation.

(3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil constitutes less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this part.

(4) Except as provided in paragraph (g)(5) of this section, used oil that is introduced into a petroleum refining facility process after crude distillation or a catalytic cracking is exempt from the requirements of this part only if the used oil meets the specification of R.61-79.11. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of the regulation.

(5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this part. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system (e.g, by pouring collected used oil into the wastewater treatment system).

(6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this part.

h. Used oil produced on vessels from normal shipboard operations is not subject to this regulation until it is transported ashore.

i. Used oil containing PCBs. Used oil containing PCBs (as defined in 40 CFR 761.3) at any concentration less than 50 ppm is subject to the requirements of this regulation unless, because of dilution, it is regulated under 40 CFR Part 761 as a used oil containing PCBs at 50 ppm or greater. PCB-containing used oil subject to the requirements of this regulation may also be subject to the prohibitions and requirements found at 40 CFR Part 761, including 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this regulation, but is subject to regulation under 40 CFR Part 761. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in this regulation or 40 CFR Part 761.

j. All used oil fuel marketer permits issued by the Department prior to the effective date of this regulation shall terminate on the effective date of this regulation.

279.11 Used Oil Specifications.

Used oil burned, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this regulation unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1 below. Once used oil that is to be burned has been shown not to exceed any specification and the person making that showing complies with 279.72, 279.73, and 279.74.b., the used oil is no longer subject to this regulation.

Table: USED OIL NOT EXCEEDING ANY ALLOWABLE LEVEL SHOWN BELOW IS NOT SUBJECT TO THIS PART WHEN BURNED FOR ENERGY RECOVERY¹

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 degrees F minimum.
Total halogens	4,000 ppm maximum. ²
Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e)	

¹The allowable levels do not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see 279.10(b))

²Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under 279.10.b.(1). Such used oil is subject to Subpart H of R.61-79.266 rather than this regulation when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

279.12 Prohibitions.

a. Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under R.61-79.264 or 265.

b. No person shall utilize used oil for road oiling, dust control, weed abatement, or other similar uses which have potential to cause harm to the environment.

c. Off-specification used oil fuel may be burned only in the following devices:

(1) Industrial furnaces identified in R.61-79.260.10;

(2) Boilers, as defined in R.61-79.260.10, that are identified as follows:

(a) Industrial boilers 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;

(b) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

(c) Used oil-fired space heaters provided that the burner meets the provisions of 279.23 of Subpart C.

(3) Hazardous waste incinerators subject to regulation under Subpart O of R.61-79.264 or 265.

d. No person shall knowingly mix or commingle used oil with municipal solid waste that is to be disposed in a municipal solid waste landfill, discard or otherwise dispose of used oil, except by delivery to a used oil collection facility, used oil energy recovery facility, oil recycling facility, or to an authorized agent for delivery to a used oil collection facility, used oil energy recovery facility, or oil recycling facility.

e. No person shall knowingly dispose of used oil in a solid waste disposal facility unless such disposal is approved by the Department.

f. No person shall knowingly place in a solid waste disposal facility wipers (shop towels, rags and industrial wipers) or sorptive materials (clays and diatomaceous earths) which are capable of releasing free flowing used oil. For the purposes of this regulation, free flowing used oil means any material determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

g. No person shall knowingly collect, transport, store, recycle, use or dispose of used oil in any manner which endangers public health or welfare or the environment.

h. No person shall knowingly discharge used oil into sewers, drainage systems, septic tanks, surface water or groundwater, or any other waters of this State, or onto the ground.

i. No person shall knowingly mix or commingle used oil with hazardous substances that make it unsuitable for recycling or beneficial use.

j. Notwithstanding any other provision of law, any person who knowingly disposes of any used oil which has not been properly segregated or separated from other solid wastes by the generator is guilty of a violation of this subsection.

k. No person shall knowingly violate any applicable South Carolina Air Pollution Control Regulations and Standards (R.61-62).

279.13 Exemptions.

The following activities are exempted from the permitting requirements of this regulation, but must comply with the used oil management standards set forth in this regulation:

a. an electric utility, an industrial facility or a governmental organization which generates during its operation used oil that is then reused, recycled, or refined on-site by the electric utility, an industrial facility or a governmental organization for use in its operations, or

b. the use of used oil for the beneficiation or flotation of phosphate rock.

SUBPART C: STANDARDS FOR USED OIL GENERATORS.

279.20 Applicability.

a. Except as provided in paragraphs a.(1) through a.(4) of this section, this subpart applies to all used oil generators. A used oil generator is any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

(1) Household "do-it-yourselfer" used oil generators are not subject to regulation under this regulation.

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

(3) Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this regulation once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this subpart.

(4) Farmers who generate an average of 25 gallons per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this regulation.

b. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of this regulation as indicated below.

(1) Generators who transport used oil, except under the self-transport provisions of 279.24.a. and b. of this regulation, must also comply with Subpart E: Standards for Used Oil Transporters and Transfer Facilities of this regulation.

(2) Generators who process or re-refine used oil must also comply with Subpart F: Standards for Used Oil Processors and Re-refiners of this regulation.

(3) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of 279.23 of this regulation, must also comply with Subpart G: Standards for Used Oil Burners who Burn Off-Specification Used Oil for Energy Recovery of this regulation.

(4) Generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11 of this regulation must also comply with Subpart H: Standards for Used Oil Fuel Marketers of this regulation.

(5) Generators who perform the following activities are not processors provided that the used oil is generated on-site and is not being sent off-site to a burner of on-or off-specification used oil fuel.

(a) Filtering, cleaning or otherwise reconditioning used oil before returning it for reuse by the generator;

(b) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to section 402 or section 307(b) of the Clean Water Act or other applicable Federal or state regulations governing the management or discharge of wastewaters;

(c) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;

(d) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to the regulation, or;

(e) Filtering, separating or otherwise reconditioning used oil before burning it in a space heater pursuant to the regulation.

279.21 Hazardous Waste Mixing.

a. Mixtures of used oil and hazardous waste must be managed in accordance with 279.10.b.

b. The rebuttable presumption for used oil of 279.10.b.(1)(b) applies to used oil managed by generators.

279.22 Used Oil Storage.

- a. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under R.61-79.264 or 265.
- b. Containers and aboveground tanks used to store used oil at generator facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration);
 - (2) Not leaking (no visible leaks).; and
 - (3) Closed to prevent spillage or contamination from precipitation.
- c. Labels.
 - (1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
 - (2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."
- d. Upon detection of a release of used oil to the environment not subject to the requirements of the Underground Storage Tank Control Regulations R.61-92 Part 280 Subpart F which has occurred in South Carolina, a generator must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- e. Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) in addition to the requirements of this subpart. Used oil generators are also subject to R.61-92.280 standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

279.23 On-site Burning in Space Heaters.

- a. Generators may burn used oil in used oil-fired space heaters provided that:
 - (1) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;
 - (2) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
 - (3) The combustion gases from the heater are vented to outside ambient air.

279.24 Off-site Shipments.

Except as provided in paragraphs a. through c. of this section, generators must ensure that their used oil is transported only by transporters who have obtained a Department identification number and a permit from the Department.

a. Generators may transport, without an EPA identification number and a Department registration, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:

- (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- (2) The generator transports no more than 55 gallons of used oil at any time; and
- (3) The generator transports the used oil to a used oil collection center that is registered by the Department to manage used oil.

b. Generators may transport, without an EPA identification number and a Department registration, used oil that is generated at the generator's site to an aggregation point provided that:

- (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- (2) The generator transports no more than 55 gallons of used oil at any time; and

(3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator.

c. Used oil generators may arrange for used oil to be transported by a transporter without an EPA identification number and a Department registration if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:

(1) The type of used oil and the frequency of shipments;

(2) That the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner; and

(3) That reclaimed oil will be returned to the generator.

d. Used oil generators shall maintain a copy of the used oil manifest provided by the used oil transporter. A copy of each used oil manifest shall be maintained by the generator for a minimum of three (3) years.

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS.

279.30 Do-It-Yourselfer Used Oil Collection Centers.

a. This section applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers. A DIY used oil collection center is any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

b. Owners or operators of all DIY used oil collection centers must comply with the generator standards in Subpart C of this regulation.

279.31 Used Oil Collection Centers.

a. This section applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts/aggregates and stores used oil collected from used oil generators regulated under Subpart C of this regulation who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of 279.24.a. Used oil collection centers may also accept used oil from household do-it-yourselfers.

b. Owners or operators of all used oil collection centers must:

(1) Comply with the generator standards in Subpart C of this regulation;

(2) Be registered by the Department to manage used oil;

(3) Obtain a registration from the Department prior to first accepting used oil at the site. All used oil collection centers in operation at the effective date of this regulation shall submit an application for a registration from the Department within ninety (90) days; and,

(4) Submit to the Department on or before March 15, an annual report for the previous year which contains at a minimum the following information:

(a) if the collection facility is accepting used oil from the public;

(b) the quantities of used oil collected in the previous year;

(c) the total quantity of used oil handled in the previous year; and,

(d) where the used oil is being recycled or processed.

c. All used oil collection facilities shall notify the Department in writing if they intend to cease the collection of used oil. Closure shall consist of, at a minimum, the removal of all oil collected at the site, dismantling and removal or proper cleaning and capping of all collection equipment and ancillary equipment, and removal and proper disposal or treatment of any oil stained soils. Further assessment and remediation, if necessary, shall be directed by the Department.

d. Containers and tanks used to store used oil at collection centers must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank or container.

(1) The secondary containment system must consist of, at a minimum:

(a) Dikes, berms or retaining walls; and

(b) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls.

(c) An equivalent secondary containment system approved by the Department.

(2) 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.

279.32 Used Oil Aggregation Points Owned By the Generator.

a. This section applies to owners or operators of all used oil aggregation points. A used oil aggregation point is any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons under the provisions of 279.24.b. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

b. Owners or operators of all used oil aggregation points must comply with the generator standards in Subpart C of this regulation.

279.33 Petroleum Fund.

a. No person may recover from the owner or operator of a registered used oil collection facility that accepts used oil from the public (do-it-yourselfers) in five (5) gallon or less quantities any costs of response actions resulting from a release of either used oil or a hazardous substance from a used oil collection facility if such used oil is:

(1) not mixed with any hazardous substance by the owner or operator of the used oil collection facility;

(2) not knowingly accepted with any hazardous substances contained in it;

(3) from the public (do-it-yourselfers) and stored in a separate collection container;

(4) transported from the used oil collection facility by a registered used oil transporter; and,

(5) collected in a used oil collection facility that is in compliance with this subpart.

b. If a hazardous substance is found to be mixed with used oil accepted from the public at a registered used oil collection facility, any costs for the proper disposal of this contaminated waste will be incurred by the Petroleum Fund, if no more than five (5) gallons of used oil was accepted from any one person at any one time. This subsection applies to that portion of the used oil collection facility utilized for the collection of used oil and does not apply if the owner or operator is grossly negligent in the operation of the public used oil collection facility. Nothing in this section shall affect or modify in any way the obligations or liability of any person under any other provisions of state or federal law, including common law, for injury or damage resulting from the release of used oil or hazardous substances. For the purpose of this subsection, the owner or operator of a used oil collection facility may presume that a quantity of no more than five (5) gallons of used oil accepted from any member of the public is not mixed with a hazardous substance, if the owner or operator acts in good faith and in the belief the oil is generated from the individual's personal activity.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES.

279.40 Applicability.

a. Except as provided in paragraphs a.(1) through a.(4) of this section, this subpart applies to all used oil transporters. Used oil transporters are persons who transport used oil, persons who

collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.

(1) This subpart does not apply to on-site transportation.

(2) This subpart does not apply to generators who transport shipments of used oil totalling 55 gallons or less from the generator to a used oil collection center as specified in 279.24.a. of this regulation.

(3) This subpart does not apply to generators who transport shipments of used oil totalling 55 gallons or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in 279.24.b. of this regulation.

(4) This subpart does not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner subject to the requirements of this regulation. Except as provided in paragraphs a.(1) through a.(3) of this section, this subpart does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

b. Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of this subpart from the time the used oil enters and until the time it exits the United States.

c. Unless trucks previously used to transport hazardous waste are emptied as described in R.61-79.261.7 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste unless, under the provisions of 279.10.b. of this regulation, the hazardous waste/used oil mixture is determined not to be hazardous waste.

d. Used oil transporters who conduct the following activities are also subject to other applicable provisions of this regulation as indicated below:

(1) Transporters who generate used oil must also comply with Subpart C: Standards for Used Oil Generators of this regulation;

(2) Transporters who process or re-refine used oil, except as provided in 279.41, must also comply with Subpart F: Standards for Used Oil Processors and Re-refiners of this regulation;

(3) Transporters who burn off-specification used oil for energy recovery must also comply with Subpart G: Standards for Used Oil Burners who Burn Off-Specification Used Oil for Energy Recovery of this regulation; and

(4) Transporters who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11 of this regulation must also comply with Subpart H of this regulation.

279.41 Restrictions on Transporters Who Are Not Also Processors or Re-refiners.

a. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in paragraph b. of this section, used oil transporters may not process used oil unless they also comply with the requirements for processors/re-refiners in Subpart F of this regulation.

b. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products unless they also comply with the processor/re-refiner requirements in Subpart F of this regulation.

c. Transporters of used oil that is removed from oil bearing electrical transformers and turbines and filtered by the transporter or at a transfer facility prior to being returned to its original use are not subject to the processor/re-refiner requirements in this regulation.

279.42 Notification and Insurance Requirements.

a. Used oil transporters that have previously notified EPA of hazardous waste and other used oil management activities and obtained a EPA identification number must renotify with the Department to identify their used oil transportation activities. In addition, the transporter must register with the Department.

b. A used oil transporter who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed SCDHEC Form 2701.

c. In addition to obtaining an EPA identification number, each transporter of used oil shall register with the Department. Registration shall be made by completion of an application form provided by the Department.

d. A transporter of used oil shall have and maintain financial responsibility for sudden and accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence exclusive of legal defense costs. Coverage must provide for claims arising out of injury to persons, property or the environment including the spillage of used oil while such wastes are being transported and including the costs of cleaning up the spill. Such liability coverage must be maintained at all times while the registration is in force.

e. The financial responsibility required in subsection d. may be established by any one or a combination of the following:

(1) Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible, with the deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten (10) percent of the equity of the registered transporter;

(2) self insurance, the level of which shall not exceed ten (10) percent equity of the registered transporter; or

(3) other evidence of financial responsibility approved by the Department.

279.43 Used Oil Transportation.

a. A used oil transporter must deliver all used oil received to:

(1) Another used oil transporter, provided that the transporter has obtained an EPA identification number and is registered with the Department;

(2) A used oil processing/re-refining facility which has obtained an EPA identification number;

(3) An off-specification used oil burner facility which has obtained an EPA identification number; or

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

b. Used oil transporters must comply with all applicable requirements under the US Department of Transportation regulations in 49 CFR parts 171-180. Persons transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171-180.

c. Used oil discharges.

(1) In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(2) If a discharge of used oil occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by a transporter who is not registered with the Department.

(3) An air, rail, highway, or water transporter who has discharged used oil must:

(a) Give notice, if required by 49 CFR 171.15 to the National Response Center (800-424-8802 or 202-426-2675); and

(b) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(c) Immediately telephone the Department's 24-hour emergency telephone number (803) 253-6488, giving all requested information.

(4) A water transporter who has discharged used oil must give notice as required by 33 CFR 153.203.

(5) A transporter must clean up any used oil discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment. Further assessment and remediation, if necessary, shall be directed by the Department.

d. All registered used oil transporters shall show evidence of familiarity with laws and regulations governing used oil transportation by submitting a training program for approval by the Department which includes provisions for at least the following:

(1) compliance with state and federal regulations governing used oil;

(2) proper used oil management practices, including appropriate response action to any release or spill;

(3) introduction of a new employee to the applicable laws and rules before unsupervised driving of a used oil transportation vehicle;

(4) verification that company personnel handling or transporting used oil have successfully completed the training program. New employees directly involved with handling or transporting used oil shall complete the training program as soon as possible, but no later than ninety (90) days after beginning employment.

e. Any used oil transporter which transports used oil through South Carolina and does not stop to accept or deliver used oil is not subject to the requirements of this regulation, with the exception of sections 279.43.b. and 279.43.c.

279.44 Rebuttable Presumption for Used Oil.

a. To ensure that used oil is not a hazardous waste under the rebuttable presumption of 279.10.b.(1)(b) of this regulation, the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.

b. The transporter must make this determination by:

(1) Testing the used oil; or

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

c. If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of R.61-79.261. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of R.61-79.261).

(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 279.24.c., to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

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

d. Records of analyses conducted or information used to comply with paragraphs a., b., and c. of this section must be maintained by the transporter for at least three (3) years.

279.45 Used Oil Storage at Transfer Facilities.

a. This section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than twenty-four (24) hours during the normal course of transportation and not longer than thirty-five (35) days. Transfer facilities that store used oil for more than thirty-five (35) days are subject to regulation under Subpart F of this regulation.

b. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under R.61-79.264 or 265.

c. Containers and aboveground tanks used to store used oil at transfer facilities must be:

- (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
- (2) Not leaking (no visible leaks).

d. Containers and tanks used to store used oil at transfer facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank or container.

(1) The secondary containment system must consist of, at a minimum:

- (a) Dikes, berms or retaining walls; and
- (b) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls.
- (c) An equivalent secondary containment system approved by the Department.

(2) 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.

e. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank.

(1) The secondary containment system must consist of, at a minimum:

- (a) Dikes, berms or retaining walls; and
- (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
- (c) An equivalent secondary containment system approved by the Department.

(2) 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.

f. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank.

(1) The secondary containment system must consist of, at a minimum:

- (a) Dikes, berms or retaining walls; and
- (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- (c) An equivalent secondary containment system approved by the Department.

(2) 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.

g. Labeling.

(1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."

h. Upon detection of a release of used oil to the environment not subject to the requirements of R.61-92.280 Subpart F, the owner/operator of a transfer facility must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and

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

(5) Further assessment and remediation, if necessary, shall be directed by the Department.

i. Used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) in addition to the requirements of this subpart. Used oil generators are also subject to R.61-92.280 standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

279.46 Manifesting and Reporting.

a. Used oil transporters must prepare a used oil manifest as designated by the Department for each used oil shipment accepted for transport. A copy of the used oil manifest shall accompany each vehicle at all times. Manifests for each shipment must include, at a minimum:

(1) The name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport;

(2) The EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport;

(3) The quantity of used oil accepted;

(4) The date of acceptance; and

(5) The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport. Intermediate rail transporters are not required to sign the record of acceptance.

b. Used oil transporters must maintain manifests and keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility. Records of each delivery must include:

(1) The name and address of the receiving facility or transporter;

(2) The EPA identification number of the receiving facility or transporter;

(3) The quantity of used oil delivered;

(4) The date of delivery;

(5) The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter. Intermediate rail transporters are not required to sign the record of delivery.

c. Used oil transporters must maintain the records described in paragraphs b.(1) through b.(4) of this section for each shipment of used oil exported to any foreign country.

d. The records described in paragraphs a., b., and c. of this section must be maintained for at least three (3) years.

e. Used oil transporters shall deliver the shipment of used oil to the facility identified on the used oil manifest, and provide the facility and the generator with a copy of the used oil manifest.

f. All used oil transporters shall maintain records and submit annual reports on or before March 15, which identify, at a minimum:

(1) the sources of the used oil transported;

(2) the quantity of used oil received;

(3) the date of receipt;

(4) the destination or the end use of the used oil within South Carolina; and,

(5) proof of liability insurance or other means of financial responsibility for any liability which may be incurred in the transport of used oil.

279.47 Management of Residues.

Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in 279.10.e.

SUBPART F: STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS.

279.50 Applicability.

a. The requirements of this subpart apply to owners and operators of facilities that process used oil. Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining. The requirements of this subpart do not apply to:

(1) Transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in 279.41 of this regulation; or

(2) Burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in 279.61.b.

b. Used oil processors/re-refiners who conduct the following activities are also subject to the requirements of other applicable provisions of this regulation as indicated in paragraphs b.(1) through b.(4) of this section.

(1) Processors/re-refiners who generate used oil must also comply with Subpart C: Standards for Used Oil Generators of this regulation;

(2) Processors/re-refiners who transport used oil must also comply with Subpart E: Standards for Used Oil Transporters and Transfer Facilities;

(3) Except as provided in paragraphs b.(3)(a) and b.(3)(b) of this section, processors/re-refiners who burn off-specification used oil for energy recovery must also comply with Subpart G : Standards for Used Oil Burners who Burn Off-Specification Used Oil for Energy Recovery. Processor/re-refiners burning used oil for energy recovery under the following conditions are not subject to Subpart G of this regulation:

(a) The used oil is burned in an on-site space heater that meets the requirements of 279.23; or

(b) The used oil is burned for purposes of processing used oil, which is considered burning incidentally to used oil processing.

(4) Processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11 of this regulation must also comply with Subpart H of this regulation.

279.51 Notification and Permitting.

a. Used oil processors/re-refiners that have previously notified EPA of hazardous waste and other used oil activities and obtained an EPA identification number must notify the Department to identify the used oil processor/re-refiner activities. In addition, the processor/re-refiner must obtain a permit from the Department.

b. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the Department of the used oil activity by submitting a completed SCDHEC Form 2701.

c. Each person who intends to operate, modify, or close a used oil recycling facility shall obtain an operation or closure permit from the Department prior to operating, modifying, or closing the facility.

279.52 General Facility Standards.

a. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:

(1) Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.

(2) All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified below:

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

(b) 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;

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and

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

(3) All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(4) 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 paragraph a.(2) of this section.

(a) If there is ever just 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 paragraph a.(2) of this section.

(b) [None]

(5) 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.

(6) Arrangements with local authorities.

(a) The owner or operator must make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:

(i) 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;

(ii) 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;

(iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(iv) 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.

(b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

b. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:

(1) Purpose and implementation of the contingency plan.

(a) 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 sudden or non-sudden release of used oil to air, soil, or surface water.

(b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.

(2) Content of the contingency plan.

(a) The contingency plan must describe the actions facility personnel must take to comply with subsections b. and f. of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.

(b) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR part 112, or part 1510 of chapter V, 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 this regulation.

(c) 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 paragraph a.(6) of this section.

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection e. of this section), and this list must be kept up to date. 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.

(e) The plan must 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), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

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

c. A copy of the contingency plan and all revisions to the plan must be:

(1) Maintained at the facility; and

(2) 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.

d. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

(1) Applicable regulations are revised;

(2) The plan fails in an emergency;

(3) 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 used oil, or changes the response necessary in an emergency;

(4) The list of emergency coordinators changes; or

(5) The list of emergency equipment changes.

e. At all times, there must be at least one employee either on the facility premises or on call (i.e., 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 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, this person must have the authority to commit the resources needed to carry out the contingency plan.

f. Emergency procedures.

(1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:

(a) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(b) Notify the Department or appropriate local agencies with designated response roles if their help is needed.

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

(3) Concurrently, the emergency coordinator must assess possible hazards to human health or 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 (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).

g. 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, he must report his findings as follows:

(1) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(2) He must immediately notify either the Department official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under part 1510 of this title), or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(a) Name and telephone number of reporter;

(b) Name and address of facility;

(c) Time and type of incident (e.g., release, fire);

(d) Name and quantity of material(s) involved, to the extent known;

(e) The extent of injuries, if any; and

(f) The possible hazards to human health, or the environment, outside the facility.

h. 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.

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

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

k. The emergency coordinator must ensure that, in the affected area(s) of the facility:

(1) 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

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

l. The owner or operator must notify the Department, and appropriate local authorities that the facility is in compliance with paragraph k. of this section before operations are resumed in the affected area(s) of the facility.

m. The owner or operator must 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, he must submit a written report on the incident to the Department. The report must include:

- (1) Name, address, and telephone number of the owner or operator;
- (2) Name, address, and telephone number of the facility;
- (3) Date, time, and type of incident (e.g., fire, explosion)
- (4) Name and quantity of material(s) involved;
- (5) The extent of injuries, if any;
- (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and,
- (7) Estimated quantity and disposition of recovered material that resulted from the incident.

279.53 Rebuttable Presumption for Used Oil.

a. To ensure that used oil managed at a processing/re-refining facility is not hazardous waste under the rebuttable presumption of 279.10.b.(1)(b), the owner or operator of a used oil processing/re-refining facility must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

b. The owner or operator must make this determination by:

- (1) Testing the used oil; or
- (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.

c. If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of R.61-79.261. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of R.61-79.261).

(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 such oils/fluids are recycled in any other manner, or disposed.

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

279.54 Used Oil Management.

a. Used oil processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under R.61-79.264 or 265.

b. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be:

- (1) In good condition (no severe rusting, apparent structural defects or deterioration);
- (2) Not leaking (no visible leaks); and
- (3) Closed to prevent spillage and contamination from precipitation.

c. Containers and tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest container.

- (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
 - (c) An equivalent secondary containment system approved by the Department.
 - (2) 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.
- d. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank.
- (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - (c) An equivalent secondary containment system approved by the Department.
 - (2) 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.
- e. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank.
- (1) The secondary containment system must consist of, at a minimum:
 - (a) Dikes, berms or retaining walls; and
 - (b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - (c) An equivalent secondary containment system approved by the Department.
 - (2) 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.
- f. Labels.
- (1) Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."
 - (2) Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."
- g. Upon detection of a release of used oil to the environment not subject to the requirements of R.61-79.280 Subpart F, an owner/operator must perform the following cleanup steps:
- (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
 - (5) Further assessment and remediation, if necessary, shall be directed by the Department.
- h. Closure requirements.
- (1) Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:
 - (a) At closure of a tank system, the owner or operator must remove or decontaminate used oil 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 this regulation. Further assessment and remediation, if necessary, shall be directed by the Department.
 - (b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in paragraph h.(1)(a) of this section, then the owner or

operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (R.61-79.265.310).

(2) Owners and operators who store used oil in containers must comply with the following requirements:

(a) At closure, containers holding used oils or residues of used oil must be removed from the site;

(b) 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 R.61-79.261.

279.55 Analysis Plan.

Owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of 279.53 and, if applicable, 279.72. The owner or operator must keep the plan at the facility.

a. At a minimum, the plan must specify the following:

(1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.

(2) 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 Appendix I of R.61-79.261; or

(ii) A method shown to be equivalent under R.61-79.260.20 and 260.21;

(b) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

(c) The methods used to analyze used oil for the parameters specified in 279.53; and

(3) The type of information that will be used to determine the halogen content of the used oil.

b. At a minimum, the plan must specify the following if 279.72 is applicable:

(1) Whether sample analyses or other information will be used to make this determination;

(2) 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 Appendix I of R.61-79.261; or

(ii) A method shown to be equivalent under R.61-79.260.20 and 260.21;

(b) Whether used oil will be sampled and analyzed prior to or after any processing/re-refining;

(c) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

(d) The methods used to analyze used oil for the parameters specified in 279.72; and

(3) The type of information that will be used to make the on-specification used oil fuel determination.

279.56 Tracking.

a. Used oil processors/re-refiners must keep a copy of the used oil manifest for each used oil shipment accepted for processing/re-refining. 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/re-refiner;

(2) The name and address of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;

(3) The EPA identification number and the Department registration number of the transporter who delivered the used oil to the processor/re-refiner;

(4) The EPA identification number and the Department permit number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;

(5) The quantity of used oil accepted; and

(6) The date of acceptance.

b. Used oil processor/re-refiners must keep a copy of the manifest of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. Records for each shipment must include the following information:

(1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;

(2) The name and address of the burner, processor/re-refiner or disposal facility who will receive the used oil;

(3) The EPA identification number and the Department registration number of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;

(4) The EPA identification number and the Department permit number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;

(5) The quantity of used oil shipped; and

(6) The date of shipment.

c. The used oil manifests and records described in paragraphs a. and b. of this section must be maintained for at least three (3) years.

279.57 Operating Record and Reporting.

a. Operating Record.

(1) The owner or operator must keep a written operating record at the facility.

(2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) Records and results of used oil analyses performed as described in the analysis plan required under 279.55; and

(b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 279.52.b.

b. A used oil processor/re-refiner must report to the Department, in the form of a letter, on an annual basis (by March 15 of each year), the following information concerning used oil activities during the previous calendar year:

(1) The EPA identification number, Department permit number, name, and address of the processor/re-refiner;

(2) The calendar year covered by the report; and

(3) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.

c. Each permitted person who processes, re-refines or otherwise recycles used oil shall maintain records which identify, at a minimum:

(1) the source of the materials recycled;

(2) the quantity of materials received;

(3) the date of receipt;

(4) the destination or the end use of the materials; and,

(5) the results of analytical testing to ensure that delivered used oil is not contaminated with hazardous substances.

279.58 Off-site Shipments of Used Oil.

Used oil processors/re-refiners who initiate shipments of used oil off-site must ship the used oil by means of a used oil transporter who has obtained an EPA identification number and is registered with the Department.

279.59 Management of Residues.

Owners and operators who generate residues from the storage, processing, or re-refining of used oil must manage the residues as specified in 279.10.e.

SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR

ENERGY RECOVERY.

279.60 Applicability.

a. The requirements of this subpart apply to used oil burners except as specified in paragraphs a.(1) and a.(2) of this section. A used oil burner is a facility where used oil not meeting the specification requirements in 279.11 is burned for energy recovery in devices identified in 279.61.a. No person shall knowingly violate any applicable South Carolina Air Pollution Control Regulations and Standards (R.61-62). Facilities burning used oil for energy recovery under the following conditions are not subject to this subpart:

(1) The used oil is burned by the generator in an on-site space heater under the provisions of 279.23 of this regulation; or

(2) The used oil is burned by a processor/re-refiner for purposes of processing used oil, which is considered burning incidentally to used oil processing.

b. Used oil burners who conduct the following activities are also subject to the requirements of other applicable provisions of this regulation as indicated below.

(1) Burners who generate used oil must also comply with Subpart C: Standards for Used Oil Generators;

(2) Burners who transport used oil must also comply with Subpart E: Standards for Used Oil Transporters and Transfer Facilities of this regulation;

(3) Except as provided in 279.61.b., burners who process or re-refine used oil must also comply with Subpart F: Standards for Used Oil Processors and Re-refiners of this regulation; and,

(4) Burners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11 of this regulation must also comply with Subpart H: Standards for Used Oil Fuel Marketers of this regulation.

c. This subpart does not apply to persons burning used oil that meets the used oil fuel specification of 279.11, provided that the burner complies with the requirements of Subpart H of this regulation.

279.61 Restrictions on Burning.

a. Off-specification used oil fuel may be burned for energy recovery in only the following devices:

(1) Industrial furnaces identified in R.61-79.260.10;

(2) Boilers, as defined in R.61-79.260.10, that are identified as follows:

(a) Industrial boilers 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;

(b) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

(c) Used oil-fired space heaters, provided that the burner meets the provisions of 279.23 of Subpart C; or

b. Exemption.

(1) With the following exception, used oil burners may not process used oil unless they also comply with requirements of Subpart F of this regulation.

(2) Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.

279.62 Notification.

a. Used oil burners that have not previously notified EPA of their used oil burning activities must notify EPA to identify their used oil burning activities. Even if a burner has previously notified EPA of hazardous waste management activities under section 3010 of RCRA and obtained an identification number, the used oil burner must renotify EPA to identify used oil burning activities. In addition, the burner must obtain a permit from the Department.

b. A used oil burner who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed SCDHEC Form 2701.

279.63 Rebuttable Presumption for Used Oil.

a. To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of 279.10.b.(1)(b), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

b. The used oil burner must determine if the used oil contains above or below 1,000 ppm total halogens by:

(1) Testing the used oil;

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

(3) If the used oil has been received from a processor/re-refiner subject to regulation under Subpart F of this regulation, using information provided by the processor/re-refiner.

c. If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of R.61-79.261. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of R.61-79.261).

(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 279.24.c., to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

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

d. Records of analyses conducted or information used to comply with paragraphs a., b., and c. of this section must be maintained by the burner for at least three (3) years.

279.64 Used Oil Storage.

a. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under R.61-79.264 or 265.

b. Containers and aboveground tanks used to store used oil at burner facilities must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and

(2) Not leaking (no visible leaks).

c. Containers and tanks used to store used oil at burner facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest container.

(1) The secondary containment system must consist of, at a minimum:

(a) Dikes, berms or retaining walls; and

(b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.

(2) 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.

d. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank.

(1) The secondary containment system must consist of, at a minimum:

(a) Dikes, berms or retaining walls; and

(b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

(c) An equivalent secondary containment system approved by the Department.

(2) 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.

e. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system capable of retaining the volumetric contents of the largest tank.

(1) The secondary containment system must consist of, at a minimum:

(a) Dikes, berms or retaining walls; and

(b) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

(c) An equivalent secondary containment system approved by the Department.

(2) 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.

f. Labels.

(1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."

g. Upon detection of a release of used oil to the environment not subject to the requirements of R.61-92.280 Subpart F, a burner must perform the following cleanup steps:

(1) Stop the release;

(2) Contain the released used oil;

(3) Clean up and manage properly the released used oil and other materials; and

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

(5) Further assessment and remediation, if necessary, shall be directed by the Department.

h. Used oil burners are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) in addition to the requirements of this subpart. Used oil generators are also subject to R.61-92.280 standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

279.65 Tracking.

a. Used oil burners must keep a copy of the used oil manifest for each used oil shipment accepted for burning. Records for each shipment must include the following information:

(1) The name and address of the transporter who delivered the used oil to the burner;

(2) The name and address of the generator or processor/re-refiner from whom the used oil was sent to the burner;

(3) The EPA identification number and the Department registration number of the transporter who delivered the used oil to the burner;

(4) The EPA identification number and the Department permit number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent to the burner;

(5) The quantity of used oil accepted; and

(6) The date of acceptance.

b. The used oil manifests and records described in paragraph a. of this section must be maintained for at least three (3) years.

c. A used oil burner must report to the Department, in the form of a letter, on an annual basis (by March 15 of each year), the following information concerning used oil activities during the previous calendar year:

(1) The EPA identification number, Department permit number, name, and address of the burner;

(2) The calendar year covered by the report; and

(3) The quantities of used oil accepted for burning.

279.66 Notices.

a. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that:

(1) The burner has notified the Department stating the location and general description of his used oil management activities; and

(2) The burner will burn the used oil only in an industrial furnace or boiler identified in 279.61.a.

b. The certification described in paragraph a. of this section must be maintained for three (3) years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner.

279.67 Management of Residues.

Burners who generate residues from the storage or burning of used oil must manage the residues as specified in 279.10.e.

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS.

279.70 Applicability.

a. Any person who conducts either of the following activities is subject to the requirements of this subpart:

(1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or

(2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 279.11 of this regulation.

b. The following persons are not marketers subject to this subpart:

(1) Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors/re-refiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters who direct shipments of off-specification used oil to processor/re-refiners who incidentally burn used oil are not marketers subject to this subpart;

(2) Persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil fuel specifications of 279.11.

c. Any person subject to the requirements of this subpart must also comply with one of the following:

- (1) Subpart C: Standards for Used Oil Generators;
- (2) Subpart E: Standards for Used Oil Transporters and Transfer Facilities;
- (3) Subpart F: Standards for Used Oil Processors and Re-refiners; or
- (4) Subpart G: Standards for Used Oil Burners who Burn Off-Specification Used Oil for Energy Recovery.

279.71 Prohibitions.

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

- a. Has an EPA identification number and a Department permit number; and
- b. Burns the used oil in an industrial furnace or boiler identified in 279.61.a. of this regulation.

279.72 On-specification Used Oil Fuel.

a. A generator, transporter, processor/re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of 279.11 of this regulation by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

b. A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under 279.11 of this regulation, must keep copies of analyses of the used oil (or other information used to make the determination) for three (3) years.

279.73 Notification.

- a. Used oil fuel marketers must have an EPA identification number.
- b. A marketer who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed SCDHEC Form 2701.

279.74 Tracking.

a. Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. Records for each shipment must include the following information:

- (1) The name and address of the transporter who delivers the used oil to the burner;
- (2) The name and address of the burner who will receive the used oil;
- (3) The EPA identification number and the Department registration number of the transporter who delivers the used oil to the burner;
- (4) The EPA identification number and the Department permit number of the burner;
- (5) The quantity of used oil shipped; and
- (6) The date of shipment.

b. A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under 279.11 of this regulation must keep a record of each shipment of used oil. Records for each shipment must include the following information:

- (1) The name and address of the facility receiving the shipment;
- (2) The quantity of used oil fuel delivered;
- (3) The date of shipment or delivery; and
- (4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under 279.72.a.

c. The records described in paragraphs a. and b. of this section must be maintained for at least three (3) years.

279.75 Notices.

a. Before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed notice from the burner certifying that:

(1) The burner has notified the Department stating the location and general description of used oil management activities; and

(2) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in 279.61.a.

b. The certification described in paragraph a. of this section must be maintained for three (3) years from the date the last shipment of off-specification used oil is shipped to the burner.

SUBPART I: DISPOSAL OF USED OIL.

279.80 Applicability.

The requirements of this subpart apply to all used oils that cannot be recycled and are therefore being disposed at a solid waste management facility.

279.81 Disposal.

a. Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this regulation must be managed in accordance with the hazardous waste management requirements of R.61-79.260 through 266, 268, 270 and 124.

b. Used oils that are identified as a non-hazardous waste must be disposed of by delivery to a used oil collection facility, used oil energy recovery facility, used oil fuel burner or to an authorized agent for delivery to a used oil collection facility, used oil energy recovery facility, used oil fuel burner or oil recycling facility.

c. Used oils that are not hazardous wastes and cannot be recycled under this part, must be disposed in accordance with the requirements of R.61-107.19 or another regulation promulgated pursuant to S.C. Code Ann. Section 44-96-10, et seq. (1976, as amended).

SUBPART J: RETAIL SALES REQUIREMENTS.

279.90 Retail Sales Requirements.

a. Any motor, lubricating, or other oil offered for sale, at retail or at wholesale for direct retail sale, for use off the premises, shall be clearly marked or labeled as containing a recyclable material which must be disposed of only at a used oil collection facility. A statement on a container of lubricating or other oil offered for sale is in compliance with this section if it contains the following statement: 'Don't pollute. Conserve resources. Return used oil to collection centers.'

b. Motor oil retailers shall post and maintain, at or near the point of sale, a durable and legible sign, not less than eleven (11) inches by fifteen (15) inches in size, informing the public of the importance of the proper collection and disposal of used oil and how and where used oil may be properly disposed.

c. The Department may inspect any place, building, or premises subject to this subpart and issue warnings and citations to any person who fails to comply with the requirements of this subsection.

SUBPART K: MONITORING.

279.91 Monitoring.

Should the Department confirm environmental and/or health problems associated with the collection, aggregation, storage, transportation, processing, re-refining or recycling of used oil, monitoring (including groundwater, surface water, and air quality monitoring and analysis, and

product quality testing and analysis) may be required by the Department as appropriate and based on a case by case evaluation to ensure protection of the environment.

SUBPART L: USED OIL FILTER MANAGEMENT.

279.92 Used Oil Filter Management.

a. Non-terne plated used oil filters that are not mixed with a hazardous waste as listed in R.61-79, may be disposed of in a municipal solid waste landfill provided all used oil filters are hot-drained for a minimum of twelve (12) hours using one of the following methods:

- (1) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining.
- (2) Dismantling and hot-draining; or
- (3) Any other equivalent hot-draining method which will remove used oil.

b. Used oil filters which are compacted to their smallest practical volume do not require hot-draining prior to disposal, provided the used oil is collected during crushing.

c. The used oil drained from the oil filters shall be processed, re-refined or otherwise recycled.

SUBPART M: VIOLATIONS AND PENALTIES.

279.93 Violations and Penalties

A violation of this regulation, or any permit or order issued pursuant to or in accordance with this regulation, subjects a violator to the issuance of a Department order, a civil penalty, or to a criminal enforcement action in accordance with S.C. Code Ann., Section 44-96-100, as amended.

SUBPART N: SEVERABILITY.

279.94 Severability.

Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.

SUBPART O: VARIANCES.

279.95 Variances.

Any request for variances to these rules and regulations must be directed in writing to, and will be considered by the Department, on an individual basis.