



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Complying with Indiana's Used Oil Rule 329 IAC 13Compliance & Response Branch
Office of Land Quality

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Complying with Indiana's Used Oil Rule 329 IAC 13

Used oil can be a valuable resource when it is properly managed to avoid release to the environment and recycled for utilization of its lubricant or fuel value. Effective March 5, 1997, the State of Indiana adopted Used Oil Management Standards, codified in Indiana Administrative Code 329 IAC 13, to encourage the recycling of used oil and to promote its environmentally sound collection, storage, and management. The Rule incorporates substantially all of the Federal Standards for the Management of Used Oil, 40 CFR 279, with certain modifications and additions relating to mixing hazardous waste with used oil and prohibiting the use of used oil as a dust suppressant. The following information briefly summarizes what and who is subject to the Used Oil Rule, and a table outlining the management standards which apply to used oil handlers subject to this Rule.

What is potentially regulated under the Rule as used oil?

Used oil is defined as any oil that has been refined from crude oil, or is a synthetic oil, and has been used and, as a result of such use, is contaminated by physical or chemical impurities. Used oils may include lubricants, hydraulic fluids, and heat transfer fluids, including commonly generated oils such as motor oil, hydraulic oils, metalworking oils, wire drawing solutions, refrigeration oil, or electrical insulating oil. Oil wastes originating from virgin (unused) oil, oils used solely for their solvent properties, and animal and vegetable oils are not regulated as used oil.

This Rule applies to used oils that are destined for recycling. Once it is determined that used oil will be disposed rather than recycled, it becomes subject to applicable hazardous or solid waste rules, rather than the Used Oil Rule. If used oil that is to be recycled has acquired contaminants or hazardous characteristics from product formulation or through its intended use, it is regulated under the Used Oil Rule rather than as a hazardous waste, even if it exhibits hazardous characteristics. However, used oil that is mixed with a RCRA-regulated listed or characteristic hazardous waste is subject to regulation under the hazardous waste rules, 329 IAC 3.1. Used oil that contains greater than 1,000 parts per million total halogens is presumed to have been mixed with a listed hazardous waste unless it can be demonstrated that the source of the halogens were not from hazardous waste mixing (commonly referred to as "rebuttable presumption").

Who is subject to regulation under the Rule?

Anyone who generates or handles used oil, regardless of the volume involved, must comply with the applicable management standards in this Rule, with the exception of:

- household do-it-yourselfer used oil generators
 - farmers generating an average of 25 gallons or less of used oil per month in a calendar year
 - used oil generated on vessels while at sea or port (regulated upon removal from the vessel)
 - used oil after mixing with diesel fuel when for the generator's own use

The Rule sets management requirements specific to the following categories of used oil handlers:

- used oil generators (minimal container management and spill cleanup)
- used oil collection centers and aggregation points (same as for generators)
- used oil transporters and transfer facilities (includes additional recordkeeping)
- used oil processors and re-refiners (additional recordkeeping and emergency preparedness)
- used oil burners (off-specification used oil for energy recovery) (additional recordkeeping)
- used oil fuel marketers (recordkeeping)

A summary of the management standards for each used oil handler category is outlined in the attached table. It should be noted that the Rule also prohibits the use of used oil as a dust suppressant (in addition, Indiana Code IC 13-30-2-1-14 prohibits the application of used oil to any ground surface), and it prohibits storage or management of used oil in surface impoundments.

If you have questions regarding this guidance, please contact the Office of Land Quality, Compliance & Response Branch at 317-234-6923 or 1-800-451-6027.

USED OIL MANAGEMENT STANDARDS 329 IAC 13

	GENERATOR/ COLLECTION CENTERS (Rules 4 and 5*)	TRANSPORTER/ TRANSFER FACILITY (Rule 6)	PROCESSOR/ RE-REFINER (Rule 7)	OFF-SPECIFICATION BURNER (Rule 8)	MARKETER (Rule 9)
Storage in Containers and Aboveground Tanks ¹	Good Condition	Good Condition	Good Condition	Good Condition	N/A
Labels for Tanks and Containers ²	Yes	Yes	Yes	Yes	N/A
Secondary Containment System (Oil Impervious Berm, Dike, or Retaining Wall and Floor)	No	Yes, for transfer facilities No for transporters	Yes	Yes	N/A
Environmental Release Cleanup	Yes	Yes	Yes	Yes	N/A
EPA Identification Number and Notification	No	Yes	Yes	Yes	Yes
Tracking	No	Acceptance and delivery records	Acceptance and delivery records	Acceptance records	On-specification or off-specification delivery records
Analysis	No, except information or testing if needed to rebut the hazardous waste mixing presumption	Yes, information or testing if needed to rebut the hazardous waste mixing presumption	Create and follow analysis plan that details how the hazardous waste mixing presumption will be rebutted	Yes, information or testing if needed to rebut the hazardous waste mixing presumption	Yes, information or testing if needed to make on-specification determination
Recordkeeping (for Three Years)	No	Yes, information or testing data if needed to rebut the hazardous waste mixing presumption; acceptance and delivery records	Information or testing data to rebut the hazardous waste mixing presumption; acceptance and delivery records	Yes, information or testing data if needed to rebut the hazardous waste mixing presumption; acceptance records	If claiming on-specification, information or testing data used to make determination; if claiming off-specification, burner certification; delivery records
Preparedness and Contingency Plans	No	No	Yes, same as Part 264/265, Subpart D	No	N/A
Biennial Reporting	No	No	Yes	No	N/A
Unit Closure	No	No	Yes, same as Part 264/265, Subpart G	No	N/A
Dust Suppressant Ban	Yes	Yes	Yes	Yes	N/A
Surface Impoundment Ban	Yes	Yes	Yes	Yes	N/A

* Generator requirements also apply to aggregation points and collection centers.¹
Storage in underground tanks is regulated under RCRA Subtitle I, 40 CFR 280.²
Tanks and containers must be labeled with the words "Used Oil".