

§ 279.75

shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

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

(b) *On-specification used oil delivery.* 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 must keep a record of each shipment of used oil to an on-specification used oil burner. 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) *Record retention.* The records described in paragraphs (a) and (b) of this section must be maintained for at least three years.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993; 63 FR 24969, May 6, 1998; 63 FR 37782, July 14, 1998]

§ 279.75 Notices.

(a) *Certification.* 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 EPA stating the location and general descrip-

40 CFR Ch. I (7-1-02 Edition)

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

Subpart I—Standards for Use as a Dust Suppressant and 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.

§ 279.81 Disposal.

(a) *Disposal of hazardous used oils.* Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this part must be managed in accordance with the hazardous waste management requirements of parts 260 through 266, 268, 270 and 124 of this chapter.

(b) *Disposal of nonhazardous used oils.* Used oils that are not hazardous wastes and cannot be recycled under this part must be disposed in accordance with the requirements of parts 257 and 258 of this chapter.

§ 279.82 Use as a dust suppressant.

(a) The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in paragraph (c) of this section.

(b) A State may petition (e.g., as part of its authorization petition submitted to EPA under § 271.5 of this chapter or by a separate submission) EPA to allow the use of used oil (that is not mixed with hazardous waste and does not exhibit a characteristic other than ignitability) as a dust suppressant. The State must show that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In

Environmental Protection Agency

Pt. 280

addition, such programs must minimize the impacts of use as a dust suppressant on the environment.

(c) *List of States.* [Reserved]

PART 280—TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS (UST)

Subpart A—Program Scope and Interim Prohibition

Sec.

- 280.10 Applicability.
- 280.11 Interim prohibition for deferred UST systems.
- 280.12 Definitions.

Subpart B—UST Systems: Design, Construction, Installation and Notification

- 280.20 Performance standards for new UST systems.
- 280.21 Upgrading of existing UST systems.
- 280.22 Notification requirements.

Subpart C—General Operating Requirements

- 280.30 Spill and overflow control.
- 280.31 Operation and maintenance of corrosion protection.
- 280.32 Compatibility.
- 280.33 Repairs allowed.
- 280.34 Reporting and recordkeeping.

Subpart D—Release Detection

- 280.40 General requirements for all UST systems.
- 280.41 Requirements for petroleum UST systems.
- 280.42 Requirements for hazardous substance UST systems.
- 280.43 Methods of release detection for tanks.
- 280.44 Methods of release detection for piping.
- 280.45 Release detection recordkeeping.

Subpart E—Release Reporting, Investigation, and Confirmation

- 280.50 Reporting of suspected releases.
- 280.51 Investigation due to off-site impacts.
- 280.52 Release investigation and confirmation steps.
- 280.53 Reporting and cleanup of spills and overfills.

Subpart F—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

- 280.60 General.
- 280.61 Initial response.
- 280.62 Initial abatement measures and site check.
- 280.63 Initial site characterization.
- 280.64 Free product removal.
- 280.65 Investigations for soil and groundwater cleanup.
- 280.66 Corrective action plan.
- 280.67 Public participation.

Subpart G—Out-of-Service UST Systems and Closure

- 280.70 Temporary closure.
- 280.71 Permanent closure and changes-in-service.
- 280.72 Assessing the site at closure or change-in-service.
- 280.73 Applicability to previously closed UST systems.
- 280.74 Closure records.

Subpart H—Financial Responsibility

- 280.90 Applicability.
- 280.91 Compliance dates.
- 280.92 Definition of terms.
- 280.93 Amount and scope of required financial responsibility.
- 280.94 Allowable mechanisms and combinations of mechanisms.
- 280.95 Financial test of self-insurance.
- 280.96 Guarantee.
- 280.97 Insurance and risk retention group coverage.
- 280.98 Surety bond.
- 280.99 Letter of credit.
- 280.100 Use of state-required mechanism.
- 280.101 State fund or other state assurance.
- 280.102 Trust fund.
- 280.103 Standby trust fund.
- 280.104 Local government bond rating test.
- 280.105 Local government financial test.
- 280.106 Local government guarantee.
- 280.107 Local government fund.
- 280.108 Substitution of financial assurance mechanisms by owner or operator.
- 280.109 Cancellation or nonrenewal by a provider of financial assurance.
- 280.110 Reporting by owner or operator.
- 280.111 Recordkeeping.
- 280.112 Drawing on financial assurance mechanisms.
- 280.113 Release from the requirements.
- 280.114 Bankruptcy or other incapacity of owner or operator or provider of financial assurance.
- 280.115 Replenishment of guarantees, letters of credit, or surety bonds.
- 280.116 Suspension of enforcement. [Reserved]