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Chapter NR 679

USED OIL MANAGEMENT STANDARDS

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Note: This chapter is similar to federal regulations contained in 40 CFR part 279, revised as of July 1, 2003.

Note: A person responsible for the discharge of a hazardous substance must comply with the applicable requirements of s. 292.11, Stats. and ch. NR 706 which includes giving notice to the division of emergency management at (800) 943-0003.

Note: Used oil generators, and owners and operators of do-it-yourselfer used oil collection centers, used oil collection centers and used oil aggregation points may also be subject to state requirements for used oil stored in tanks in ch. ATCP 93.

Subchapter A — Definitions

NR 679.01 Definitions. Terms that are defined in s. NR 661.0001 (3) and s. ATCP 93.050 have the same meanings when used in this chapter. In this chapter:

(1) "Above ground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in s. ATCP 93.050 (122).

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

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

(4) "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 June 1, 1995. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals, licenses or permits necessary to begin installation of the tank and if any of the following applies:

(a) A continuous on-site installation program has begun.

(b) The owner or operator has entered into a contract, which cannot be canceled or modified without substantial loss, for installation of the tank to be completed within a reasonable time.

(5) "Household do-it-yourselfer" means an individual who generates household do-it-yourselfer used oil.

(6) "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.

(7) "New tank" means a tank that will be used to store or process used oil and for which installation has commenced after June 1, 1995.

(8) "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, redistillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

(9) "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.

(10) "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.

(11) "Tank" means a 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 provide structural support.

(12) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of the use is contaminated by physical or chemical impurities.

Note: Examples of materials that, when used, qualify as used oil: antifreeze, compressor oils, coolants, copper and aluminum drawing solutions, electrical insulating oil, emulsions when used as lubricants, engine oil, heating media, grease, hydraulic fluid, industrial process oils, laminating oils, metal-working fluids and cutting oils, mineral oil, oils used as buoyant, refrigeration oil, transmission fluid, used oil residues and sludges from the storage, processing, and re-refining of used oils (when recycled by burning for energy recovery).

Examples of materials that, when used, do not qualify as used oil: animal and vegetable oil even when used as a lubricant, kerosene, oils that have not been used, solvents when used to solubilize or mobilize, spills of virgin fuel oil, used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products, and waste oil resulting from cleanout of virgin fuel storage tank bottoms. Oils that do not meet EPA's definition of used oil can still pose a threat to the environment when disposed of and could be subject to the RCRA regulations for hazardous waste management.

(13) "Used oil aggregation point" means any site or facility that accepts, aggregates 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.

(14) "Used oil burner" means a facility where used oil not meeting the specification requirements in s. NR 679.11 is burned for energy recovery in devices identified in s. NR 679.61 (1).

(15) "Used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected from used oil generators regulated under subch. C who bring used oil to the collection center in shipments of no more than 55 gallons according to s. NR 679.24 (1). Used oil collection centers may also accept used oil from household do-it-yourselfers.

(16) "Used oil fuel marketer" means any person who does any of the following:

(a) Directs a shipment of off-specification used oil from that person's facility to a used oil burner.

(b) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in s. NR 679.11.

(17) "Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become regulated.

(18) "Used oil processor or re-refiner" means a facility that processes used oil.

(19) "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 s. NR 679.20 (2) (b).

(20) "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.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; corrections in (intro.) and (1) made under s. 13.92 (4) (b) 7., Stats; corrections in (intro.), (1) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; corrections in (intro.), (1) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; CR 19-082: am. (intro.) Register August 2020 No. 776, eff. 9-1-20.

Subchapter B — Applicability

NR 679.10 Applicability. This section identifies those materials which are regulated as used oil under this chapter. This section also identifies some materials that are not regulated as used oil under this chapter, and indicates whether these materials may be regulated as hazardous waste under chs. NR 660 to 670.

(1) USED OIL. The department presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in s. NR 679.11, this chapter applies to used oil, and to materials identified in this section as being regulated as used oil, whether or not the used oil or material exhibits any hazardous waste characteristics identified in subch. C of ch. NR 661.

(2) MIXTURES OF USED OIL AND HAZARDOUS WASTE. (a) *Listed hazardous waste.* 1. Mixtures of used oil and hazardous waste that is listed in subch. D of ch. NR 661 are regulated as hazardous waste under chs. NR 660 to 670, rather than as used oil under this chapter.

2. Used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subch. D of ch. NR 661. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in ch. NR 661 Appendix VIII).

a. The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in s. NR 679.24 (3), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if the oils or fluids are recycled in any other manner, or are disposed.

b. The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed 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.

(b) *Characteristic hazardous waste.* Mixtures of used oil and hazardous waste that solely exhibit any hazardous waste characteristics identified under subch. C of ch. NR 661, and mixtures of used oil and hazardous waste that is listed under subch. D of ch. NR 661 solely because it exhibits any hazardous waste characteristics identified under subch. C of ch. NR 661, are regulated as one of the following:

1. Except as provided in subd. 3., hazardous waste under chs. NR 660 to 670 rather than as used oil under this chapter, if the resultant mixture exhibits any hazardous waste characteristics identified in subch. C of ch. NR 661.

2. Except as provided in subd. 3., used oil under this chapter, if the resultant mixture does not exhibit any hazardous waste characteristics identified in subch. C of ch. NR 661.

3. Used oil under this chapter, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the ignitability characteristic (e.g., ignitable-only mineral spirits), or is listed in subch. D of ch. NR 661 solely because it exhibits the ignitability characteristic, if the resultant mixture does not exhibit the ignitability characteristic identified in s. NR 661.0021.

(c) *Very small quantity generator hazardous waste.* Mixtures of used oil and very small quantity generator hazardous waste regulated under s. NR 662.014 are regulated as used oil under this chapter.

(3) MATERIALS CONTAINING OR OTHERWISE CONTAMINATED WITH USED OIL. (a) Except as provided in par. (b), materials containing or otherwise contaminated with used oil 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 material:

1. Are not used oil and thus not subject to this chapter.

2. If applicable are subject to the hazardous waste rules of chs. NR 660 to 670.

(b) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are regulated as used oil under this chapter.

(c) Used oil drained or removed from materials containing or otherwise contaminated with used oil is regulated as used oil under this chapter.

(4) MIXTURES OF USED OIL WITH PRODUCTS. (a) Except as provided in par. (b), mixtures of used oil and fuels or other fuel products are regulated as used oil under this chapter.

(b) 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 chapter once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to subch. C.

(5) MATERIALS DERIVED FROM USED OIL. (a) 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 all of the following:

1. Not used oil and thus are not subject to this chapter.

2. Not solid wastes and are thus not subject to the hazardous waste rules of chs. NR 660 to 670 as provided in s. NR 661.0003 (3) (b) 1.

(b) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are regulated as used oil under this chapter.

(c) Except as provided in par. (d), materials derived from used oil that are disposed of or used in a manner constituting disposal are all of the following:

1. Not used oil and thus are not subject to this chapter.

2. Solid wastes and thus are subject to the hazardous waste rules of chs. NR 660 to 670 if the materials are listed or identified as hazardous wastes.

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

(6) WASTEWATER. Wastewater, the discharge of which is regulated under s. 283.21 (2), 283.31 or 283.33, Stats., including wastewaters at facilities which have eliminated the discharge of wastewater, contaminated with "de minimis" quantities of used oil is not subject to this chapter. For purposes of this subsection, 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.

(7) USED OIL INTRODUCED INTO CRUDE OIL PIPELINES OR A PETROLEUM REFINING FACILITY. (a) 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 this chapter. The used oil is subject to this chapter prior to the mixing of used oil with crude oil or natural gas liquids.

(b) 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 this chapter.

(c) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from this chapter if the used 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 this chapter.

(d) Except as provided in par. (e), used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from this chapter only if the used oil meets the specification of s. NR 679.11. Prior to insertion into the petroleum refining facility process, the used oil is subject to this chapter.

(e) 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 this chapter. 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).

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

(8) USED OIL ON VESSELS. Used oil produced on vessels from normal shipboard operations is not subject to this chapter until it is transported ashore.

(9) USED OIL CONTAINING PCBS. Used oil containing PCBs (as defined at s. NR 157.02 and 40 CFR 761.3) at any concentration less than 50 ppm is subject to this chapter unless, because of dilution, it is regulated under ch. NR 157 and 40 CFR part 761 as a used oil containing PCBs at 50 ppm or greater. PCB-containing used oil subject to this chapter may also be subject to ch. NR 157 and the prohibitions and requirements in 40 CFR part 761, including 40 CFR 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to this chapter, but is regulated under ch. NR 157 and 40 CFR part 761. No person may avoid regulation under ch. NR 157 or 40 CFR part 761 by diluting used oil containing PCBs, unless otherwise specifically provided for in this chapter or 40 CFR part 761.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (2) (a) 2., (9) Register July 2017 No. 739, eff. 8-1-17; CR 19-082: am. (2) (b) 3., (c), (5) (a) 2. Register August 2020 No. 776, eff. 9-1-20; **CR 24-037: am. (2) (b) (intro.) Register June 2025 No. 834, eff. 7-1-25.**

NR 679.11 Used oil specifications. Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending or other treatment, is regulated under this chapter unless it is shown not to exceed the allowable levels of the constituents and properties shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any allowable level and the person making that showing complies with ss. NR 679.72, 679.73, and 679.74 (2), the used oil is no longer regulated under this chapter.

Table 1 -

Used Oil Not Exceeding An Allowable Level Shown Is Not Regulated Under This Chapter When Burned for Energy Recovery[1]

Constituent or property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100 °F minimum
Total halogens	4,000 ppm maximum[2]

[1]The allowable levels do not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste; see s. NR 679.10 (2).

[2]Used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under s. NR 679.10 (2) (a). This used oil is regulated under subch. H of ch. NR 666 rather than this chapter when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20 (e).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; **CR 24-037: am. (intro.), Table 1 Register June 2025 No. 834, eff. 7-1-25.**

NR 679.12 Prohibitions. (1) SURFACE IMPOUNDMENTS AND WASTE PILES. Used oil may not be managed in surface impoundments or waste piles unless the units are regulated under ch. NR 664 or 665.

(2) USE AS A DUST SUPPRESSANT. The use of used oil as a dust suppressant is prohibited.

(3) BURNING IN PARTICULAR UNITS. Off-specification used oil fuel may be burned for energy recovery in only the following devices:

(a) Industrial furnaces identified in s. NR 660.10.

(b) Boilers, as defined in s. NR 660.10, that are identified as any of the following:

1. 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.

2. Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

3. Used oil-fired space heaters if the burner meets s. NR 679.23.

(c) Hazardous waste incinerators regulated under subch. O of ch. NR 664 or subch. O of ch. NR 665.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; correction in (3) (c) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

Subchapter C — Standards for Used Oil Generators

NR 679.20 Applicability. (1) GENERAL. This subchapter applies to all used oil generators, as defined in s. NR 679.01, except for any of the following:

(a) *Household do-it-yourselfers.* Household do-it-yourselfers, as defined in s. NR 679.01, are not regulated under this chapter.

(b) *Vessels.* Vessels at sea or at port are not regulated under this subchapter. For purposes of this subchapter, used oil produced on vessels from normal shipboard operations is generated at the time it is transported ashore. The owner or operator of the vessel and the person or persons removing or accepting used oil from the vessel are co-generators of the used oil and are all responsible for managing the waste in compliance with this subchapter once the used oil is transported ashore. The co-generators may decide among them which party or parties will fulfill the requirements of this subchapter.

(c) *Diesel fuel.* 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 regulated under this chapter once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is regulated under this subchapter.

(d) *Farmers.* 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 regulated under this chapter.

(2) OTHER APPLICABLE PROVISIONS. Used oil generators who conduct any of the following activities are subject to the following subchapters:

(a) Generators who transport used oil, except under the self-transport provisions of s. NR 679.24 (1) and (2), shall also comply with subch. E.

(b) 1. Except as provided in subd. 2., generators who process or re-refine used oil shall also comply with subch. F.

2. Generators who perform any of the following activities are not processors if 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 s. 283.21 (2), 283.31 or 283.33, Stats., or other applicable federal or state requirements 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 excess oil to the extent possible pursuant to s. NR 679.10 (3).

e. Filtering, separating or otherwise reconditioning used oil before burning it in a space heater pursuant to s. NR 679.23.

(c) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of s. NR 679.23, shall also comply with subch. G.

(d) 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 in s. NR 679.11 shall also comply with subch. H.

(e) Generators who dispose of used oil shall also comply with subch. I.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.21 Hazardous waste mixing. (1) Mixtures of used oil and hazardous waste shall be managed according to s. NR 679.10 (2).

(2) The rebuttable presumption for used oil of s. NR 679.10 (2) (a) 2. applies to used oil managed by generators. Under the rebuttable presumption for used oil of s. NR 679.10 (2) (a) 2., used oil containing greater than or equal to 1,000 ppm total halogens is presumed to be a hazardous waste and thus shall be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils or fluids and certain used oils removed from refrigeration units.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.22 Used oil storage. Used oil generators are subject to all applicable spill prevention, control and countermeasures (40 CFR part 112) requirements in addition to this subchapter. Used oil generators are also subject to the underground storage tank (ch. ATCP 93) requirements for used oil stored in underground tanks, whether or not the used oil exhibits any hazardous waste characteristics, in addition to this subchapter.

(1) STORAGE UNITS. Used oil generators may not store used oil in units other than tanks, containers or units regulated under ch. NR 664 or 665.

(2) CONDITION OF UNITS. Containers and above ground tanks used to store used oil at generator facilities shall be all of the following:

(a) In good condition (no severe rusting, apparent structural defects or deterioration).

(b) Not leaking (no visible leaks).

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(3) LABELS. (a) Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil".

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

(4) RESPONSE TO RELEASES. Upon detection of a release of used oil to the environment, a generator shall perform all of the following cleanup steps:

(a) Stop the release.

(b) Contain the released used oil.

(c) Clean up and properly manage the released used oil and other materials.

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

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694.

NR 679.23 On-site burning in space heaters. Generators may burn used oil in used oil-fired space heaters if all of the following conditions are met:

(1) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourselfers.

(2) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour.

(3) The combustion gases from the heater are vented to the ambient air.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.24 Off-site shipments. Except as provided in subs. (1) to (3), generators shall ensure that their used oil is transported only by transporters who have obtained EPA identification numbers.

(1) SELF-TRANSPORTATION OF SMALL AMOUNTS TO COLLECTION CENTERS. Generators may transport, without an EPA identification number or department solid waste collection and transportation service license, 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 if all of the following conditions are met:

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

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

(2) SELF-TRANSPORTATION OF SMALL AMOUNTS TO AGGREGATION POINTS OWNED BY THE GENERATOR. Generators may transport, without an EPA identification number or department solid waste collection and transportation service license, used oil that is generated at the generator's site to an aggregation point if all of the following conditions are met:

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

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

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

(3) TOLLING ARRANGEMENTS. Used oil generators may arrange for used oil to be transported by a transporter without an EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor or re-refiner to the generator for use as a lubricant, cutting oil or coolant. The contract (known as a "tolling arrangement") shall indicate all of the following:

(a) The type of used oil and the frequency of shipments.

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

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

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Subchapter D — Standards for Used Oil Collection Centers and Aggregation Points

NR 679.30 Do-it-yourselfer used oil collection centers. (1) APPLICABILITY. This section applies to owners or operators of all do-it-yourselfer used oil collection centers, as defined in s. NR 679.01.

(2) DO-IT-YOURSELFER USED OIL COLLECTION CENTER REQUIREMENTS. Owners or operators of all do-it-yourselfer used oil collection centers shall comply with the generator standards in subch. C.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.31 Used oil collection centers. (1) APPLICABILITY. This section applies to owners or operators of used oil collection centers.

(2) USED OIL COLLECTION CENTER REQUIREMENTS. Owners or operators of all used oil collection centers shall comply with the generator standards in subch. C.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.32 Used oil aggregation points owned by the generator. (1) APPLICABILITY. This section applies to owners or operators of all used oil aggregation points.

(2) USED OIL AGGREGATION POINT REQUIREMENTS. Owners or operators of all used oil aggregation points shall comply with the generator standards in subch. C.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Subchapter E — Standards for Used Oil Transporters and Transfer Facilities

NR 679.40 Applicability. (1) GENERAL. This subchapter applies to all used oil transporters, except for any of the following:

(a) This subchapter does not apply to on-site transportation.

(b) This subchapter does not apply to generators who transport shipments of used oil totaling 55 gallons or less from the generator to a used oil collection center according to s. NR 679.24 (1).

(c) This subchapter does not apply to generators who transport shipments of used oil totaling 55 gallons or less from the generator to a used oil aggregation point owned or operated by the same generator according to s. NR 679.24 (2).

(d) This subchapter does not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor or re-refiner or burner subject to this chapter. Except as provided in pars. (a) to (c), this subchapter 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.

(2) IMPORTS AND EXPORTS. Transporters who import used oil from abroad or export used oil outside of the United States are

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subject to this subchapter from the time the used oil enters and until the time it exits Wisconsin.

(3) TRUCKS USED TO TRANSPORT HAZARDOUS WASTE. Unless trucks previously used to transport hazardous waste are emptied as described in s. NR 661.0007 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and shall be managed as hazardous waste unless, under s. NR 679.10 (2), the hazardous waste and used oil mixture is determined not to be hazardous waste.

(4) OTHER APPLICABLE PROVISIONS. Used oil transporters who conduct any of the following activities are also subject to the following subchapters:

(a) Transporters who generate used oil shall also comply with subch. C.

(b) Transporters who process or re-refine used oil, except as provided in s. NR 679.41, shall also comply with subch. F.

(c) Transporters who burn off-specification used oil for energy recovery shall also comply with subch. G.

(d) 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 in s. NR 679.11 shall also comply with subch. H.

(e) Transporters who dispose of used oil shall also comply with subch. I.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: am. (3) Register August 2020 No. 776, eff. 9-1-20.

NR 679.41 Restrictions on transporters who are not also processors or re-refiners. (1) Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in subs. (2) and (3), used oil transporters may not process used oil unless they also comply with the requirements for processors and re-refiners in subch. F.

(2) 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 and re-refiner requirements in subch. F.

(3) 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 and re-refiner requirements in subch. F.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.42 Notification and Licensing. (1) IDENTIFICATION NUMBERS. Used oil transporters who have not previously complied with the notification requirements of s. NR 660.07 shall comply with this section and obtain an EPA identification number.

(2) MECHANICS OF NOTIFICATION. A used oil transporter who has not received an EPA identification number may obtain one by notifying the department of its used oil activity by submitting a completed EPA form 8700-12.

Note: See s. NR 660.07 for information on obtaining EPA form 8700-12.

(3) LICENSING. Used oil transporters shall obtain a department solid waste collection and transportation service license unless exclusively transporting household do-it-yourselfer used oil under s. NR 679.40 (1).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; **CR 24-037: am. (3) Register June 2025 No. 834, eff. 7-1-25.**

NR 679.43 Used oil transportation. (1) DELIVERIES. A used oil transporter shall deliver all used oil received to any of the following:

(a) Another used oil transporter, if the transporter has obtained an EPA identification number.

(b) A used oil processing or re-refining facility who has obtained an EPA identification number.

(c) An off-specification used oil burner facility who has obtained an EPA identification number.

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

(2) DEPARTMENT OF TRANSPORTATION REQUIREMENTS. Used oil transporters shall comply with all applicable requirements under the U.S. department of transportation regulations in 49 CFR parts 171 to 180. Persons transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 shall comply with all applicable regulations in 49 CFR parts 171 to 180.

(3) USED OIL DISCHARGES. (a) In the event of a discharge of used oil during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (e.g., notify appropriate authorities, dike the discharge area).

(b) 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 transporters who do not have EPA identification numbers or department solid waste collection and transportation service licenses.

(c) An air, rail, highway or water transporter who has discharged used oil shall do all of the following:

1. Give notice, if required by 49 CFR 171.15, to the national response center at 800-424-8802 or 202-267-2675.

2. Report in writing as required by 49 CFR 171.16 to the U.S. department of transportation, Washington, DC 20590.

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

(e) A transporter shall clean up any used oil discharge that occurs during transportation or take 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.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.44 Rebuttable presumption for used oil. (1) To ensure that used oil is not a hazardous waste under the rebuttable presumption of s. NR 679.10 (2) (a) 2., the used oil transporter shall determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.

(2) The transporter shall make this determination by doing either of the following:

(a) Testing the used oil.

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

(3) Used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subch. D of ch. NR 661. The owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in ch. NR 661 Appendix VIII).

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(a) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in s. NR 679.24 (3), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if the oils or fluids are recycled in any other manner, or are disposed.

(b) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if 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.

(4) Records of analyses conducted or information used to comply with subs. (1) to (3) shall be maintained by the transporter for at least 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (3) (intro.) Register July 2017 No. 739, eff. 8-1-17.

NR 679.45 Used oil storage at transfer facilities. Used oil transporters are subject to all applicable spill prevention, control and countermeasures (40 CFR part 112) in addition to this subchapter. Used oil transporters are also subject to the underground storage tank (ch. ATCP 93) requirements for used oil stored in underground tanks, whether or not the used oil exhibits any hazardous waste characteristics, in addition to this subchapter.

(1) APPLICABILITY. This section applies to used oil transfer facilities as defined in s. NR 679.01. Transfer facilities that store used oil for more than 35 days are regulated under subch. F.

(2) STORAGE UNITS. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units regulated under ch. NR 664 or 665.

(3) CONDITION OF UNITS. Containers and above ground tanks used to store used oil at transfer facilities shall be all of the following:

(a) In good condition (no severe rusting, apparent structural defects or deterioration).

(b) Not leaking (no visible leaks).

(4) SECONDARY CONTAINMENT FOR CONTAINERS. Containers used to store used oil at transfer facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dikes, berms or retaining walls.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floors, shall 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.

(5) SECONDARY CONTAINMENT FOR EXISTING ABOVE GROUND TANKS. Existing above ground tanks used to store used oil at transfer facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall except areas where existing portions of the tank meet the ground.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floors, shall 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.

(6) SECONDARY CONTAINMENT FOR NEW ABOVE GROUND TANKS. New above ground tanks used to store used oil at transfer facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floors, shall 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.

(7) LABELS. (a) Containers and above ground tanks used to store used oil at transfer facilities shall be labeled or marked clearly with the words "Used Oil".

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

(8) RESPONSE TO RELEASES. Upon detection of a release of used oil to the environment, the owner or operator of a transfer facility shall perform all of the following cleanup steps:

(a) Stop the release.

(b) Contain the released used oil.

(c) Clean up and properly manage the released used oil and other materials.

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

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694.

NR 679.46 Tracking. (1) ACCEPTANCE. Used oil transporters shall keep a record of each used oil shipment accepted for transport. Records for each shipment shall include all of the following:

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

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

(c) The quantity of used oil accepted.

(d) The date of acceptance.

(e) 1. Except as provided in subd. 2., the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner who provided the used oil for transport.

2. Intermediate rail transporters are not required to sign the record of acceptance.

(2) DELIVERIES. Used oil transporters shall keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor or re-refiner, or disposal facility. Records of each delivery shall include all of the following:

(a) The name and address of the receiving facility or transporter.

(b) The EPA identification number of the receiving facility or transporter.

(c) The quantity of used oil delivered.

(d) The date of delivery.

(e) 1. Except as provided in subd. 2., the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

2. Intermediate rail transporters are not required to sign the record of delivery.

(3) EXPORTS OF USED OIL. Used oil transporters shall maintain the records described in sub. (2) (a) to (d) for each shipment of used oil exported to any foreign country.

(4) RECORD RETENTION. The records described in subs. (1) to (3) shall be maintained for at least 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.47 Management of residues. Transporters who generate residues from the storage or transport of used oil shall manage the residues as specified in s. NR 679.10 (5).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Subchapter F — Standards for Used Oil Processors and Re-Refiners

NR 679.50 Applicability. (1) This subchapter applies to owners and operators of facilities that process used oil. Processing is defined in s. NR 679.01. This subchapter does not apply to any of the following:

(a) Transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in s. NR 679.41.

(b) Burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in s. NR 679.61 (2).

(2) Used oil processors or re-refiners who conduct any of the following activities are also subject to the following subchapters:

(a) Processors or re-refiners who generate used oil shall also comply with subch. C.

(b) Processors or re-refiners who transport used oil shall also comply with subch. E.

(c) Except as provided in subds. 1. and 2., processors or re-refiners who burn off-specification used oil for energy recovery shall also comply with subch. G. Processors or re-refiners burning used oil for energy recovery under any of the following conditions are not subject to subch. G:

1. The used oil is burned in an on-site space heater that meets s. NR 679.23.

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

(d) Processors or 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 in s. NR 679.11 shall also comply with subch. H.

(e) Processors or re-refiners who dispose of used oil shall also comply with subch. I.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.51 Notification. (1) IDENTIFICATION NUMBERS. Used oil processors and re-refiners who have not previously complied with the notification requirements of s. NR 660.07 shall comply with this section and obtain an EPA identification number.

(2) MECHANICS OF NOTIFICATION. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the department of its used oil activity by submitting a completed EPA form 8700-12.

Note: See s. NR 660.07 for information on obtaining EPA form 8700-12.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.52 General facility standards. (1) PREPAREDNESS AND PREVENTION. Owners and operators of used oil processing and re-refining facilities shall comply with all of the following requirements:

(a) *Maintenance and operation of facility.* Facilities shall 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.

(b) *Required equipment.* All facilities shall be equipped with all of the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subds.1. to 4.:

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

2. 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.

3. 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.

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

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

(d) *Access to communications or alarm system.* 1. Whenever used oil is being poured, mixed, spread or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in par. (b).

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

(e) *Required aisle space.* The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(f) *Arrangements with local authorities.* 1. The owner or operator shall attempt to make all of 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:

a. 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.

b. Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire depart-

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ment, and agreements with any others to provide support to the primary emergency authority.

c. Agreements with state emergency response teams, emergency response contractors and equipment suppliers.

d. Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

2. Where state or local authorities decline to enter into any of the arrangements described in subd. 1., the owner or operator shall document the refusal in the operating record.

(2) CONTINGENCY PLAN AND EMERGENCY PROCEDURES. Owners and operators of used oil processing and re-refining facilities shall comply with all of the following requirements:

(a) *Purpose and implementation of contingency plan.* 1. Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of used oil to air, soil or surface water.

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

(b) *Content of contingency plan.* 1. The contingency plan shall describe the actions facility personnel must take to comply with pars. (a) and (f) 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.

2. If the owner or operator has already prepared a spill prevention, control and countermeasures (SPCC) plan according to 40 CFR part 112 or 300, 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 this chapter.

3. The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services, pursuant to sub. (1) (f).

4. The plan shall list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see par. (e)), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.

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

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

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

1. Maintained at the facility.

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) *Amendment of contingency plan.* The contingency plan shall be reviewed, and immediately amended, if necessary, whenever any of the following occur:

1. Applicable rules 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.

5. The list of emergency equipment changes.

(e) *Emergency coordinator.* At all times, there shall 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 shall 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 shall have the authority to commit the resources needed to carry out the contingency plan.

Note: The emergency coordinator's responsibilities are more fully spelled out in par. (f). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility.

(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) shall immediately do all of the following:

a. Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel.

b. Notify appropriate state or local agencies with designated response roles if their help is needed.

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

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

4. If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator shall report the findings according to all of the following:

a. If the emergency coordinator's assessment indicated that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.

b. The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR part 300), or the national response center (using its 24-hour toll free number 800/424-8802). The report shall include all of the following:

1) Name and telephone number of reporter.

2) Name and address of facility.

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

4) Name and quantity of materials involved, to the extent known.

5) The extent of injuries, if any.

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

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

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

7. Immediately after an emergency, the emergency coordinator shall 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.

8. The emergency coordinator shall ensure that, in the affected areas of the facility, all of the following are met:

a. 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.

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

c. The owner or operator shall notify the department, and appropriate state and local authorities that the facility is in compliance with subd. 8. a. and b. before operations are resumed in the affected areas of the facility.

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

a. Name, address and telephone number of the owner or operator.

b. Name, address and telephone number of the facility.

c. Date, time and type of incident (e.g., fire, explosion).

d. Name and quantity of materials involved.

e. The extent of injuries, if any.

f. An assessment of actual or potential hazards to human health or the environment, where applicable.

g. Estimated quantity and disposition of recovered material that resulted from the incident.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.53 Rebuttable presumption for used oil. **(1)** To ensure that used oil managed at a processing or re-refining facility is not hazardous waste under the rebuttable presumption of s. NR 679.10 (2) (a) 2., the owner or operator of a used oil processing or re-refining facility shall determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

(2) The owner or operator shall make this determination by doing any of the following:

(a) Testing the used oil.

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

(3) Used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subch. D of ch. NR 661. The owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in ch. NR 661 Appendix VIII).

Note: An example of demonstrating that the used oil does not contain hazardous waste is using an analytical method from EPA SW-846, incorporated by reference in s. NR 660.11, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in ch. NR 661 Appendix VIII.

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

(b) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed 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.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (3) (intro.) Register July 2017 No. 739, eff. 8-1-17.

NR 679.54 Used oil management. Used oil processors or re-refiners are subject to all applicable spill prevention, control and countermeasures (40 CFR part 112) in addition to this subchapter. Used oil processors or re-refiners are also subject to the underground storage tank (ch. ATCP 93) requirements for used oil stored in underground tanks whether or not the used oil exhibits any hazardous waste characteristics, in addition to this subchapter.

(1) MANAGEMENT UNITS. Used oil processors or re-refiners may not store used oil in units other than tanks, containers or units regulated under ch. NR 664 or 665.

(2) CONDITION OF UNITS. Containers and above ground tanks used to store or process used oil at processing and re-refining facilities shall be all of the following:

(a) In good condition (no severe rusting, apparent structural defects or deterioration).

(b) Not leaking (no visible leaks).

(3) SECONDARY CONTAINMENT FOR CONTAINERS. Containers used to store or process used oil at processing and re-refining facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floor, shall 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.

(4) SECONDARY CONTAINMENT FOR EXISTING ABOVE GROUND TANKS. Existing above ground tanks used to store or process used oil at processing and re-refining facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

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2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall except areas where existing portions of the tank meet the ground.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floor, shall 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.

(5) SECONDARY CONTAINMENT FOR NEW ABOVE GROUND TANKS. New above ground tanks used to store or process used oil at processing and re-refining facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floor, shall 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.

(6) LABELS. (a) Containers and above ground tanks used to store or process used oil at processing and re-refining facilities shall be labeled or marked clearly with the words "Used Oil".

(b) Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities shall be labeled or marked clearly with the words "Used Oil".

(7) RESPONSE TO RELEASES. Upon detection of a release of used oil to the environment, an owner or operator shall perform all of the following cleanup steps:

(a) Stop the release.

(b) Contain the released used oil.

(c) Clean up and properly manage the released used oil and other materials.

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

(8) CLOSURE. (a) *Above ground tanks.* Owners and operators who store or process used oil in above ground tanks shall comply with all of the following requirements:

1. At closure of a tank system, the owner or operator shall 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 ch. NR 661.

2. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subd. 1., then the owner or operator shall close the tank system and perform long-term care according to the closure and long-term care requirements that apply to hazardous waste landfills (s. NR 665.0310).

(b) *Containers.* Owners and operators who store used oil in containers shall comply with all of the following requirements:

1. At closure, containers holding used oils or residues of used oil shall be removed from the site.

2. The owner or operator shall 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 ch. NR 661.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694.

NR 679.55 Analysis plan. Owners or operators of used oil processing and re-refining facilities shall develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of s. NR 679.53 and, if applicable, s. NR 679.72. The owner or operator shall keep the plan at the facility.

(1) REBUTTABLE PRESUMPTION FOR USED OIL IN S. NR 679.53. At a minimum, the plan shall specify all of the following:

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

(b) If sample analyses are used to make this determination, all of the following:

1. The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using one of the following:

a. One of the sampling methods in ch. NR 661 Appendix I.

b. A method shown to be equivalent under ss. NR 660.20 and 660.21.

2. The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site.

3. The methods used to analyze used oil for the parameters specified in s. NR 679.53.

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

(2) ON-SPECIFICATION USED OIL FUEL IN S. NR 679.72. At a minimum, the plan shall specify all of the following if s. NR 679.72 is applicable:

(a) Whether sample analyses or other information will be used to make this determination.

(b) If sample analyses are used to make this determination, all of the following:

1. The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using one of the following:

a. One of the sampling methods in ch. NR 661 Appendix I.

b. A method shown to be equivalent under ss. NR 660.20 and 660.21.

2. Whether used oil will be sampled and analyzed prior to or after any processing or re-refining.

3. The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site.

4. The methods used to analyze used oil for the parameters specified in s. NR 679.72.

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

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.56 Tracking. (1) ACCEPTANCE. Used oil processors or re-refiners shall keep a record of each used oil shipment accepted for processing or re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include all of the following information:

(a) The name and address of the transporter who delivered the used oil to the processor or re-refiner.

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

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(c) The EPA identification number of the transporter who delivered the used oil to the processor or re-refiner.

(d) The EPA identification number (if applicable) of the generator or processor or re-refiner from whom the used oil was sent for processing or re-refining.

(e) The quantity of used oil accepted.

(f) The date of acceptance.

(2) DELIVERY. Used oil processors or re-refiners shall keep a record of each shipment of used oil that is shipped to a used oil burner, processor or re-refiner or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment shall include all of the following information:

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

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

(c) The EPA identification number of the transporter who delivers the used oil to the burner, processor or re-refiner or disposal facility.

(d) The EPA identification number of the burner, processor or re-refiner or disposal facility who will receive the used oil.

(e) The quantity of used oil shipped.

(f) The date of shipment.

(3) RECORD RETENTION. The records described in subs. (1) and (2) shall be maintained for at least 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.57 Operating record and reporting. (1) OPERATING RECORD. (a) The owner or operator shall keep a written operating record at the facility.

(b) All of the following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

1. Records and results of used oil analyses performed as described in the analysis plan required under s. NR 679.55.

2. Summary reports and details of all incidents that require implementation of the contingency plan as specified in s. NR 679.52 (2).

(2) REPORTING. A used oil processor or re-refiner shall report to the department on a biennial basis (by March 1 of each even numbered year), all of the following information concerning used oil activities during the previous calendar year:

(a) The EPA identification number, name and address of the processor or re-refiner.

(b) The calendar year covered by the report.

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

Note: Department form 4400-193 may be used to meet this reporting requirement and may be obtained from the department by E-mail: DNRWasteMaterials@wisconsin.gov or phone: (608) 266-2111.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.58 Off-site shipments of used oil. Used oil processors or re-refiners who initiate shipments of used oil off-site shall ship the used oil using a used oil transporter who has obtained an EPA identification number.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.59 Management of residues. Owners and operators who generate residues from the storage, processing or re-refining of used oil shall manage the residues as specified in s. NR 679.10 (5).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Subchapter G — Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery

NR 679.60 Applicability. (1) GENERAL. This subchapter applies to used oil burners, as defined in s. NR 679.01, except for facilities burning used oil for energy recovery under any of the following conditions:

(a) The used oil is burned by the generator in an on-site space heater according to s. NR 679.23.

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

(2) OTHER APPLICABLE PROVISIONS. Used oil burners who conduct any of the following activities are also subject to the requirements of the following subchapters:

(a) Burners who generate used oil shall also comply with subch. C.

(b) Burners who transport used oil shall also comply with subch. E.

(c) Except as provided in s. NR 679.61 (2), burners who process or re-refine used oil shall also comply with subch. F.

(d) 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 in s. NR 679.11 shall also comply with subch. H.

(e) Burners who dispose of used oil shall comply with subch. I.

(3) SPECIFICATION FUEL. This subchapter does not apply to persons burning used oil that meets the used oil fuel specification of s. NR 679.11, if the burner complies with subch. H.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.61 Restrictions on burning. (1) Off-specification used oil fuel may be burned for energy recovery in only the following devices:

(a) Industrial furnaces identified in s. NR 660.10.

(b) Boilers, as defined in s. NR 660.10, that are identified as any of the following:

1. 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.

2. Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

3. Used oil-fired space heaters if the burner meets s. NR 679.23.

(c) Hazardous waste incinerators regulated under subch. O of ch. NR 664 or 665.

(2) (a) Except as provided in par. (b), used oil burners may not process used oil unless they also comply with subch. F.

(b) 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.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.62 Notification. (1) IDENTIFICATION NUMBERS. Used oil burners which have not previously complied with the notification requirements of s. NR 660.07 shall comply with this section and obtain an EPA identification number.

(2) MECHANICS OF NOTIFICATION. A used oil burner who has not received an EPA identification number may obtain one by

notifying the department of its used oil activity by submitting a completed EPA form 8700-12.

Note: See s. NR 660.07 for information on obtaining EPA form 8700-12.
History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.63 Rebuttable presumption for used oil. **(1)** To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of s. NR 679.10 (2) (a) 2., a used oil burner shall determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

(2) The used oil burner shall determine if the used oil contains above or below 1,000 ppm total halogens by doing any of the following:

(a) Testing the used oil.

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

(c) If the used oil has been received from a processor or re-refiner regulated under subch. F, using information provided by the processor or re-refiner.

(3) Used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subch. D of ch. NR 661. The owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in ch. NR 661 Appendix VIII).

(a) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in s. NR 679.24 (3), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if the oils or fluids are recycled in any other manner, or are disposed.

(b) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed 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.

(4) Records of analyses conducted or information used to comply with subs. (1) to (3) shall be maintained by the burner for at least 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (3) (intro.) Register July 2017 No. 739, eff. 8-1-17.

NR 679.64 Used oil storage. Used oil burners are subject to all applicable spill prevention, control and countermeasures (40 CFR part 112) in addition to this subchapter. Used oil burners are also subject to the underground storage tank (ch. ATCPS 93) requirements for used oil stored in underground tanks whether or not the used oil exhibits any hazardous waste characteristics, in addition to this subchapter.

(1) STORAGE UNITS. Used oil burners may not store used oil in units other than tanks, containers or units regulated under ch. NR 664 or 665.

(2) CONDITION OF UNITS. Containers and above ground tanks used to store used oil at burner facilities shall be all of the following:

(a) In good condition (no severe rusting, apparent structural defects or deterioration).

(b) Not leaking (no visible leaks).

(3) SECONDARY CONTAINMENT FOR CONTAINERS. Containers used to store used oil at burner facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, all of the following:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall.

(b) The entire containment system, including walls and floor, shall 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.

(4) SECONDARY CONTAINMENT FOR EXISTING ABOVE GROUND TANKS. Existing above ground tanks used to store used oil at burner facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall except areas where existing portions of the tank meet the ground.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floor, shall 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.

(5) SECONDARY CONTAINMENT FOR NEW ABOVE GROUND TANKS. New above ground tanks used to store used oil at burner facilities shall be equipped with a secondary containment system.

(a) The secondary containment system shall consist of, at a minimum, the following in subds. 1. and 2., or subd. 3.:

1. Dikes, berms or retaining walls.

2. A floor. The floor shall cover the entire area within the dike, berm or retaining wall.

3. An equivalent secondary containment system.

(b) The entire containment system, including walls and floor, shall 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.

(6) LABELS. (a) Containers and above ground tanks used to store used oil at burner facilities shall be labeled or marked clearly with the words "Used Oil".

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

(7) RESPONSE TO RELEASES. Upon the detection of a release of used oil to the environment, a burner shall perform all of the following cleanup steps:

(a) Stop the release.

(b) Contain the released used oil.

(c) Clean up and properly manage the released used oil and other materials.

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

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694.

NR 679.65 Tracking. **(1)** ACCEPTANCE. Used oil burners shall keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, man-

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

(a) The name and address of the transporter who delivered the used oil to the burner.

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

(c) The EPA identification number of the transporter who delivered the used oil to the burner.

(d) The EPA identification number (if applicable) of the generator or processor or re-refiner from whom the used oil was sent to the burner.

(e) The quantity of used oil accepted.

(f) The date of acceptance.

(2) RECORD RETENTION. The records described in sub. (1) shall be maintained for at least 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.66 Notices. (1) CERTIFICATION. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor or re-refiner, the burner shall provide to the generator, transporter, or processor or re-refiner a one-time written and signed notice certifying all of the following:

(a) The burner has notified the department stating the location and general description of the burner's used oil management activities.

(b) The burner will burn the used oil only in an industrial furnace or boiler identified in s. NR 679.61 (1).

(2) CERTIFICATION RETENTION. The certification described in sub. (1) shall be maintained for 3 years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor or re-refiner.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.67 Management of residues. Burners who generate residues from the storage or burning of used oil shall manage the residues according to s. NR 679.10 (5).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Subchapter H — Standards for Used Oil Fuel Marketers

NR 679.70 Applicability. (1) Any person who conducts any of the following activities is subject to this subchapter:

(a) Directs a shipment of off-specification used oil from that person's facility to a used oil burner.

(b) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in s. NR 679.11.

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

(a) 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 the generator's or transporter's facility to a used oil burner. However, processors or 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 processors or re-refiners who incidentally burn used oil are not marketers subject to this subchapter.

(b) 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 s. NR 679.11.

(3) Any person subject to this subchapter shall also comply with one or more of the following:

(a) Subchapter C - Standards for Used Oil Generators.

(b) Subchapter E - Standards for Used Oil Transporters and Transfer Facilities.

(c) Subchapter F - Standards for Used Oil Processors and Re-Refiners.

(d) Subchapter G - Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.71 Prohibitions. A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who meets all of the following:

(1) Has an EPA identification number.

(2) Burns the used oil in an industrial furnace or boiler identified in s. NR 679.61 (1).

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.72 On-specification used oil fuel. (1) ANALYSIS OF USED OIL FUEL. A generator, transporter, processor or re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of s. NR 679.11 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

(2) RECORD RETENTION. A generator, transporter, processor or 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 s. NR 679.11, shall keep copies of analyses of the used oil (or other information used to make the determination) for 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.73 Notification. (1) IDENTIFICATION NUMBERS. A used oil fuel marketer subject to this subchapter who has not previously complied with the notification requirements of s. NR 660.07 shall comply with this section and obtain an EPA identification number.

(2) MECHANICS OF NOTIFICATION. A marketer who has not received an EPA identification number may obtain one by notifying the department of its used oil activity by submitting a completed EPA form 8700-12.

Note: See s. NR 660.07 for information on obtaining EPA form 8700-12.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.74 Tracking. (1) OFF-SPECIFICATION USED OIL DELIVERY. Any used oil fuel marketer who directs a shipment of off-specification used oil to a burner shall keep a record of each 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 shall include all of the following information:

(a) The name and address of the transporter who delivers the used oil to the burner.

(b) The name and address of the burner who will receive the used oil.

(c) The EPA identification number of the transporter who delivers the used oil to the burner.

(d) The EPA identification number of the burner.

(e) The quantity of used oil shipped.

(f) The date of shipment.

(2) ON-SPECIFICATION USED OIL DELIVERY. A generator, transporter, processor or re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the

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fuel specifications under s. NR 679.11 shall keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment shall include all of the following information:

(a) The name and address of the facility receiving the shipment.

(b) The quantity of used oil fuel delivered.

(c) The date of shipment or delivery.

(d) 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 s. NR 679.72 (1).

(3) RECORD RETENTION. The records described in subs. (1) and (2) shall be maintained for at least 3 years.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.75 Notices. (1) CERTIFICATION. Before a used oil generator, transporter, or processor or re-refiner directs the first shipment of off-specification used oil fuel to a burner, that person shall obtain a one-time written and signed notice from the burner certifying all of the following:

(a) The burner has notified the department stating the location and general description of used oil management activities.

(b) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in s. NR 679.61 (1).

(2) CERTIFICATION RETENTION. The certification described in sub. (1) shall be maintained for 3 years from the date the last shipment of off-specification used oil is shipped to the burner.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

Subchapter I — Standards for Use as a Dust Suppressant and Disposal of Used Oil

NR 679.80 Applicability. This subchapter applies to all used oils that cannot be recycled and are therefore being disposed.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

NR 679.81 Disposal. (1) DISPOSAL OF HAZARDOUS USED OILS. Used oils that are identified as a hazardous waste and cannot be recycled according to this chapter, shall be managed according to the hazardous waste management requirements of chs. NR 660 to 670.

(2) DISPOSAL OF NONHAZARDOUS USED OILS. (a) No person may dispose of used oil, or material containing or otherwise contaminated with used oil, in a solid waste disposal facility except as provided in par. (b).

(b) Material containing or otherwise contaminated with minimal amounts of used oil 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 material, may be disposed of in a solid waste disposal facility according to chs. NR 500 to 524, if the material is not hazardous waste and cannot be recycled under this chapter.

Note: The department encourages the recycling of used oil including oil-soaked rags and similar materials by the use of laundering services, burning for energy recovery and other recycling methods.

Note: The disposal of petroleum contaminated soil and materials into solid waste disposal facilities is subject to the applicable requirements of chs. NR 419, 506 and 718.

NR 679.82 Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited.

History: CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.