



Rules of
Department of Natural Resources
Division 25—Hazardous Waste Management Commission
Chapter 11—Used Oil

Title	Page
10 CSR 25-11.010 Waste Oil (Rescinded August 28, 1994).....	3
10 CSR 25-11.279 Recycled Used Oil Management Standards.....	3



**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 11—Used Oil**

10 CSR 25-11.010 Waste Oil
(Rescinded August 28, 1994)

AUTHORITY: sections 260.370, RSMo Supp. 1990 and 260.430 and 260.437, RSMo 1986. This rule was previously filed as 10 CSR 25-4.020. Original rule filed July 16, 1979, effective Jan. 1, 1980. Amended: Filed March 13, 1981, effective July 13, 1981. Amended: Filed Aug. 12, 1981, effective Dec. 14, 1981. Amended: Filed May 12, 1983, effective Nov. 11, 1983. Amended: Filed Oct. 15, 1984, effective April 15, 1985. Amended: Filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Rescinded and readopted: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Oct. 1, 1991. Rescinded: Filed Jan. 5, 1994, effective Aug. 28, 1994.

**10 CSR 25-11.279 Recycled Used Oil
Management Standards**

PURPOSE: This rule incorporates by reference and modifies the federal regulations in 40 CFR part 279 and sets forth additional state requirements.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The regulations set forth in 40 CFR parts 110.1, 112, and 279, July 1, 2010, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition

to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) This section sets forth specific modification to 40 CFR part 279, incorporated by reference in section (1) of this rule. A person managing used oil shall comply with this section in addition to the regulations in 40 CFR part 279. In the case of contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been organized so that Missouri additions, changes, or deletions to a particular lettered subpart in 40 CFR part 279 are noted in the corresponding lettered subsection of this section. For example, changes to 40 CFR part 279 subpart A are found in subsection (2)(A) of this rule.)

(A) Definitions. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart A.

1. The definition of do-it-yourselfer used oil collection center at 40 CFR 279.1 is amended to allow these sites or facilities to accept/aggregate and store used oil collected from household do-it-yourselfers and farmers not regulated by 40 CFR part 279 subpart C as incorporated in this rule.

2. The definition of used oil at 40 CFR 279.1 is amended as follows:

A. Used oil includes, but is not limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for lubrication/cutting oil, heat transfer, hydraulic power, or insulation in dielectric transformers;

B. Used oil does not include petroleum-derived or synthetic oils which have been used as solvents. (Note: Used ethylene glycol is not regulated as used oil under this chapter.); and

C. Except for used oil that meets the used oil specifications found in 40 CFR 279.11, any amount of used oil that exhibits a hazardous characteristic and is released into the environment is a hazardous waste and shall be managed in compliance with the requirements of 10 CSR 25, Chapters 3, 4, 5, 6, 7, 8, 9, and 13. Any exclusions from the definition of solid waste or hazardous waste will apply.

3. The definition of "used oil aggregation point" at 40 CFR 279.1 is amended to allow these sites or facilities to accept/aggregate and store used oil from household do-it-yourselfers and farmers not regulated by 40 CFR part 279 subpart C as incorporated in this rule.

4. The definition of used oil collection center at 40 CFR 279.1 is amended to allow

these centers to accept/aggregate and store used oil from household do-it-yourselfers and farmers not regulated by 40 CFR part 279 subpart C as incorporated in this rule.

(B) Applicability. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart B.

1. 40 CFR 279.10(b)(2) is not incorporated in this rule.

2. Mixtures of used oil and hazardous waste are subject to the following:

A. Except as provided for in subparagraphs (2)(B)2.B. and C. of this rule, used oil that is mixed with hazardous waste shall be handled according to 10 CSR 25-3, 4, 5, 6, 7, 8, 9, and 13;

B. Used oil that is mixed with hazardous waste that solely exhibits the characteristic of ignitability or is mixed with a listed hazardous waste that is listed solely because it exhibits the characteristic of ignitability shall be managed as a used oil; provided that the subsequent mixture does not exhibit the characteristic of ignitability; and

C. A generator who generates and accumulates hazardous waste in amounts less than those described in 10 CSR 25-3.260(1)(A)25. shall handle mixtures of used oil with hazardous waste as a used oil.

3. 40 CFR 279.10(c) is modified as follows. Used oil drained or removed from materials containing or otherwise contaminated with used oil shall be managed as a hazardous waste if the used oil exhibits a hazardous characteristic. Any exclusions from the definition of solid waste or hazardous waste will apply.

4. In 40 CFR 279.10(f), incorporated by reference in this rule, delete "subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater)" and in its place substitute "regulated under Chapter 644, RSMo, the Missouri Clean Water Law."

5. In addition to the prohibitions of 40 CFR 279.12, incorporated by reference in this rule, the following shall apply:

A. All used oil is prohibited from disposal in a solid waste disposal area; and

B. Used oil shall not be disposed of into the environment or cause a public nuisance.

(C) Standards for Used Oil Generators. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart C.

1. In addition to the requirements of 40 CFR 279.20(a)(2), incorporated by reference in this rule, vessels on navigable waters, as defined in 40 CFR 110.1, shall not dispose of



used oil into waters of the state except as allowed by Chapter 644, RSMo.

2. (Reserved)

3. In 40 CFR 279.22(d), incorporated by reference in this rule, delete “the effective date of the authorized used oil program for the State in which the release is located,” and insert in its place “the original effective date of 10 CSR 25-11.279.”

4. In addition to the requirements at 40 CFR 279.23(a), generators also may burn in used oil space heaters used oil from farmers not regulated by 40 CFR part 279 subpart C.

5. In addition to the requirements at 40 CFR 279.23, incorporated in this rule, burning in a used oil space heater any mixture of used oil with a hazardous waste is prohibited, except that mixtures of used oil with hazardous waste originating from conditionally exempt small quantity generators of hazardous waste may be burned in used oil-fired space heaters, so long as the hazardous waste is hazardous solely because it exhibits the characteristic of ignitability.

6. Used oil generators shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

(D) Standards for Used Oil Collection Centers and Aggregation Points. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart D.

1. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points owned by the generator may accept used oil from farmers not regulated under 40 CFR part 279 subpart C.

2. In addition to the requirements of 40 CFR part 279 subpart D, do-it-yourselfer used oil collection centers, used oil aggregation points, and used oil collection centers shall notify the solid waste district in which they operate or the department’s Hazardous Waste Program of their used oil collection activities.

A. Notification shall be by letter and shall include the following:

(I) The name and location of the collection center;

(II) The name and telephone number of the owner/operator;

(III) The name and telephone number of the facility contact, if different from the owner/operator;

(IV) The type of collection center; and

(V) The dates and hours of operation.

B. The notification submitted by a used oil collection center will satisfy the requirement of 40 CFR 279.31(b)(2) that the

used oil collection center be recognized by the state.

C. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points shall notify the solid waste district in which they operate or the department’s Hazardous Waste Program when their used oil collection activities cease.

D. The notifications to operate or cease to operate received by a solid waste district shall be transmitted to the department’s Hazardous Waste Program for public information purposes or be incorporated in the information submitted to the department as part of their regular reporting requirements.

3. No quantity of used oil collected by do-it-yourselfer oil collection centers, used oil collection centers, and used oil aggregation points shall be stored for more than twelve (12) months at the collection center or aggregation point.

4. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

5. Used oil collection centers, do-it-yourselfer used oil collection centers, and used oil aggregation points shall have a means of controlling public access to the used oil storage area.

A. Access control may be an artificial or natural barrier which completely surrounds the storage area or access control may be achieved by storing the used oil inside a locked building.

B. An attendant shall be present when the public has access to the do-it-yourselfer used oil collection center, used oil collection center, and used oil aggregation point. No public access shall be allowed to the stored used oil when the collection center or aggregation point is unattended.

(E) Standards for Used Oil Transporters and Transfer Facilities. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart E.

1. In addition to the requirements of 40 CFR 279.42, transporters of used oil shall be licensed in accordance with the requirements in 10 CSR 25-6.263.

2. In addition to the requirements of 40 CFR 279.45(d)–(f), incorporated by reference in this rule, secondary containment systems shall have a capacity equal to or greater than ten percent (10%) of the containerized waste volume, or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near nav-

igable waters may be subject to the spill prevention, control, and counter-measures standards found in 40 CFR 112.)

3. In addition to the requirements of 40 CFR 279.46, incorporated by reference in this rule, the following shall apply:

A. The information described in 40 CFR 279.46(a)–(c), incorporated by reference in this rule, shall be recorded on form MO 780-1449(11-93), the Transporter’s Used Oil Shipment Record, incorporated by reference in this rule and provided by the department; and

B. All transporters who transport one thousand (1,000) gallons or more used oil in a reporting period must submit the information described in 40 CFR 279.46(a) and (b) to the director of the department’s Hazardous Waste Program annually, on form MO 780-1555, the Transporter’s Annual Report Form, incorporated by reference in this rule and provided by the department. The form shall include information for a reporting period from July 1 to June 30, and shall be submitted by August 31 following the reporting period.

4. In addition to the requirements of 40 CFR 279.46 incorporated in this rule, transporters of used oil operating a transfer facility shall maintain an inventory log to assure the off-site shipment of used oil within thirty-five (35) days.

5. In addition to the requirements of 40 CFR 279.46(d), incorporated in this rule, the inventory log described in paragraph (2)(E)4. of this rule shall be maintained for at least three (3) years, or longer if required by the department.

6. In addition to the requirement of 40 CFR 279.47, used oil transporters who operate a transfer facility shall close the transfer facility in accordance with 10 CSR 25-6.263(2)(A)10.G.

7. Used oil transfer facilities shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

8. For shipments involving rail transportation, the initial rail transporter shall forward copies of the shipping record to—

A. The next nonrail transporter, if any;

B. The receiving facility if the shipment is delivered by rail; or

C. The last rail transporter handling the used oil in the United States.

(F) Standards for Used Oil Processors and Re-Refiners. This subsection sets forth requirements which modify or add to those required by 40 CFR part 279 subpart F.

1. In 40 CFR 279.52(b)(6)(iv)(B), incorporated in this rule, the government official



described as the on-scene coordinator shall be either the department's emergency response coordinator or the EPA Region VII emergency planning and response branch.

2. In addition to the requirements at 40 CFR 279.54(c) and (d), secondary containment systems shall have a capacity equal to or greater than ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near navigable waters may be subject to the spill prevention, control, and counter-measures standards found in 40 CFR 112.)

3. In 40 CFR 279.54(g), incorporated by reference in this rule, delete "the effective date of the authorized used oil program for the State in which the release is located," and insert in its place "the original effective date of 10 CSR 25-11.279."

4. In 40 CFR 279.52(b)(6)(viii)(C), incorporated in this rule, the state authority to be notified is the director of the department's Hazardous Waste Program.

5. Used oil processors and re-refiners shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

(G) Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart G.

1. In addition to the requirements of 40 CFR 279.64(c)-(e), secondary containment systems shall have a capacity equal to or greater than ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near navigable waters may be subject to the spill prevention, control, and counter-measures standards found in 40 CFR 112.)

2. In 40 CFR 279.64(g), incorporated in this rule, delete "the effective date of the authorized used oil program for the State in which the release is located," and insert in its place "the original effective date of 10 CSR 25-11.279."

3. Used oil burners shall provide the transporter who delivers each shipment of used oil with the information required in 40 CFR 279.65, incorporated in this rule, and shall retain for three (3) years a copy of the completed form MO 780-1449(4-94), the Transporter's Used Oil Shipment Record for each shipment received. The period of record retention shall extend automatically during the course of any pending enforcement action, or upon the director's request. The records shall be available to authorized representatives of the department for inspection

and copying during regular business hours.

4. Used oil burners shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

(H) Standards for Used Oil Fuel Marketers. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart H.

1. Used oil marketers subject to 40 CFR 279.74, incorporated in this rule, shall provide the transporter who delivers each shipment of used oil with the information required in 40 CFR 279.74 and shall retain for three (3) years a copy of the completed form MO 780-1449(4-94), the Transporter's Used Oil Shipment Record for each shipment received. The period of record retention shall extend automatically during the course of any pending enforcement action, or upon the director's request. The records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

(I) Standards for Use as a Dust Suppressant and Disposal of Used Oil. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart I.

1. 40 CFR 279.81 is not incorporated in this rule. Instead of the requirements in 40 CFR 279.81, the following shall apply:

A. Used oil that cannot be or is not intended to be recycled in accordance with this rule shall be managed in accordance with 10 CSR 25-5, 6, 7, 9, and 13, and release of even non-hazardous used oil into the environment is prohibited; and

B. Used oil that cannot be or is not intended to be recycled in accordance with this rule shall be assigned the Missouri waste code number D098.

2. The use of used oil as a dust suppressant on a road, parking lot, driveway, or other similar surface is prohibited.

3. 40 CFR 279.82 is not incorporated in this rule.

(3) Requirements for Low Concentration Polychlorinated Biphenyls (PCB) Used Oil.

(A) Low concentration PCB used oil is defined as any used oil that contains equal to or greater than two parts per million (2 ppm) PCBs but less than fifty parts per million (50 ppm) PCBs; provided that the used oil is not PCB material as defined in 10 CSR 25-13.010. Sections (1) and (2) of this rule apply to low concentration PCB used oil, subject to the additions and modifications in this section.

(B) This section does not apply to electrical equipment that has been drained of all

free-flowing low concentration PCB used oil.

(C) Low concentration PCB used oil that cannot be or is not intended to be recycled in accordance with this rule shall be assigned Missouri waste code number D096. The generator shall record this waste code as any shipment record or manifest that accompanies a consignment of low concentration PCB used oil that is destined for disposal.

(D) A generator, transporter, or owner/operator of a hazardous waste management facility, certified resource recovery facility or PCB facility that manages low concentration PCB used oil may be required to verify by analysis or investigation, or both, that the used oil is not PCB material as defined in 10 CSR 25-13.010.

(E) No person shall dispose of oily waste resulting from a spill or leak of low concentration PCB used oil in a solid waste landfill if the oily waste contains equal to or greater than one (1) pound of PCBs.

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**Original authority 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010.*