

US EPA ARCHIVE DOCUMENT

**SUPPORTING STATEMENT FOR  
INFORMATION COLLECTION REQUEST NUMBER 1286.06  
“USED OIL MANAGEMENT STANDARDS RECORDKEEPING  
AND REPORTING REQUIREMENTS”**

**FEBRUARY 19, 2002**

## TABLE OF CONTENTS

1.	IDENTIFICATION OF THE INFORMATION COLLECTION .....	1-1
1(a)	Title and Number of the Information Collection .....	1-1
1(b)	Short Characterization .....	1-1
2.	NEED FOR AND USE OF THE COLLECTION .....	2-1
2(a)	Need and Authority for the Collection .....	2-1
2(b)	Practical Utility/Users of the Data .....	2-5
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA .....	3-1
3(a)	Nonduplication .....	3-1
3(b)	Public Notice .....	3-1
3(c)	Consultations .....	3-1
3(d)	Effects of Less Frequent Collection .....	3-1
3(e)	General Guidelines .....	3-1
3(f)	Confidentiality .....	3-2
3(g)	Sensitive Questions .....	3-2
4.	THE RESPONDENTS AND THE INFORMATION COLLECTED .....	4-1
4(a)	Respondent Standard Industrial Classification Codes .....	4-1
4(b)	Information Requested .....	4-1
5.	THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT .....	5-1
5(a)	Agency Activities .....	5-1
5(b)	Collection Methodology and Management .....	5-4
5(c)	Small Entity Flexibility .....	5-4
5(d)	Collection Schedule .....	5-5
6.	ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION .....	6-1
6(a)	Estimating Respondent Hours .....	6-1
6(b)	Estimating Respondent Costs .....	6-1
6(c)	Estimating Agency Burden and Cost .....	6-2
6(d)	Estimating the Respondent Universe and the Total Burden and Costs .....	6-3
6(e)	Bottom Line Burden Hours and Cost Table .....	6-14
6(f)	Reasons for Change in Burden .....	6-14
6(g)	Burden Statement .....	6-18

## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

### 1(a) Title and Number of the Information Collection

This Information Collection Request (ICR) is entitled "Used Oil Management Standards Recordkeeping and Reporting Requirements," ICR Number 1286.06.

### 1(b) Short Characterization

Section 3014 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), directs the U.S. Environmental Protection Agency (EPA) to "promulgate regulations . . . as may be necessary to protect public health and the environment from the hazards associated with recycled oil" and, at the same time, to not discourage used oil recycling. This mandate was amended to RCRA as section 3012 by the Used Oil Recycling Act of 1980 (UORA), and later redesignated as section 3014 by HSWA. Under this authority, EPA established regulations at 40 *CFR* part 279 to control the management of used oil destined for recycling.

The regulations at 40 *CFR* part 279 establish, among other things, streamlined procedures for notification, testing, labeling, and recordkeeping. They also establish a flexible self-implementing approach for tracking off-site shipments that allow used oil handlers to use standard business practices (e.g., invoices, bill of lading). In addition, part 279 sets standards for the prevention and cleanup of releases to the environment during storage and transit. EPA believes these requirements will minimize potential mismanagement of used oils, while not discouraging recycling.

This ICR provides a comprehensive description of the requirements applicable to used oil handlers at 40 *CFR* part 279. It replaces the previously approved ICR on the used oil management standards (i.e., ICR Number 1286.05). Sections 1 through 5 of this ICR describe the specific information collection requirements (e.g., from the standpoint of need, use, respondent activities). In Section 6, EPA estimates the annual hour and cost burden to respondents and the Agency under these requirements, and discusses the reasons for the change in annual burden since the previously approved ICR.

Following is a brief description of the information collection requirements for used oil handlers.

#### (1) Used Oil Generators

In order for a burden to qualify as an ICR element as part of the Paperwork Reduction Act of 1995 (PRA), it must impose a monitoring, reporting, or recordkeeping requirement, and not be considered a customary business practice. Although 40 *CFR* part 279, subpart C contains at least the burden element of reading and understanding the regulations, there is no burden

reported in this ICR because there are no monitoring, reporting, or recordkeeping requirements for used oil generators.

## **(2) Used Oil Collection Centers and Aggregation Points**

In order for a burden to qualify as an ICR element as part of the PRA, it must impose a monitoring, reporting, or recordkeeping requirement, and not be considered a customary business practice. 40 *CFR* part 279, subpart D does contain burden elements for collection centers. However, the burden for reading and understanding the regulations is not reported in this ICR, since there are no monitoring, reporting, or recordkeeping requirements for used oil collection centers and aggregation points. Furthermore, since the section 279.31 burden associated with registration, licensing, or permitting is in response to State and local government requirements, no burden is reported in this ICR.

## **(3) Used Oil Transporters and Transfer Facilities**

40 *CFR* 279.42 requires used oil transporters who have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number, which can be obtained by submitting a completed EPA Form 8700-12 or a letter to EPA requesting an EPA identification number.

40 *CFR* 279.43(c) provides that, in the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment. Under section 279.43(c)(1) through (3), transporters that have discharged used oil must give notice, if required by 49 *CFR* 171.15, to the National Response Center (NRC) and to report in writing, as required by 49 *CFR* 171.16, to the Department of Transportation (DOT). Section 279.43(c)(4) requires a water transporter who has discharged used oil to give notice as required by 33 *CFR* 153.203.

40 *CFR* 279.44 provides that, to ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. If the used oil contains greater than or equal to 1,000 ppm total halogens, the transporter may rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired. Records of analyses conducted or information used to comply with section 279.44 must be maintained by the used oil transporter for at least three years (§279.44(d)).

40 *CFR* 279.45(g) requires that labels with the words “Used Oil” be clearly placed on containers and aboveground tanks used to store oil and on fill pipes used to transfer oil into underground storage tanks at the transfer facility.

Used oil transporters must keep a record of each used oil shipment accepted for transport and each used oil shipment that is delivered to another used oil transporter, or to a used oil

burner, processor/re-refiner, or disposal facility (§§279.46(a) and (b)). In addition, used oil transporters must keep a record of each shipment of used oil exported to any foreign country (§279.46(c)). These shipment records must be maintained for at least three years (§279.46(d)).

#### **(4) Used Oil Processors and Re-Refiners**

40 *CFR* 279.51 requires used oil processors and re-refiners who have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number, which can be obtained by submitting to EPA a completed EPA Form 8700-12 or a letter to EPA requesting an EPA identification number.

Pursuant to 40 *CFR* 279.52(a)(6), owners and operators must attempt to make arrangements to familiarize the State and local authorities (e.g., police, fire departments, emergency response, hospitals) with the layout of the facility, properties of used oil handled at the facility and associated hazards, and the potential need for the services of these organizations, among other things. Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record (§279.52(a)(6)(ii)).

Pursuant to 40 *CFR* 279.52(b)(1), each owner and operator must have a contingency plan for the facility. The contingency plan must address the requirements spelled out in section 279.52(b)(2). A copy of the contingency plan and all revisions of the contingency plan must be maintained at the facility and submitted to all State and local authorities that may be called upon to provide emergency services (§279.52(b)(3)). The plan must be reviewed and immediately amended, if necessary, as provided by section 279.52(b)(4).

Pursuant to 40 *CFR* 279.52(b)(6), whenever there is an imminent or actual emergency situation, the emergency coordinator must activate internal facility alarms or communication systems, where applicable, to notify all facility personnel and notify appropriate State and local agencies with designated response roles if their help is needed. If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must immediately notify either the government official designated as the on-scene coordinator (OSC) or the NRC. In addition, if his hazards assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. After an emergency situation, an owner or operator cannot resume operations in the affected area(s) of the facility until he notifies EPA and State and local authorities that the facility is in compliance with the waste compatibility and emergency equipment requirements in sections 279.52(b)(6)(viii)(A) and (B). In addition, the owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan and submit, within 15 days after the incident, a written report on the incident to EPA.

40 *CFR* 279.53 provides that, to ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii), the owner or operator of a used oil processing/re-refining facility must determine whether the total halogen content of used oil at the

facility is above or below 1,000 ppm. If the used oil contains greater than or equal to 1,000 ppm total halogens, the owner or operator may rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired.

40 *CFR* 279.54(f) requires that labels with the words “Used Oil” be clearly placed on containers and aboveground tanks used to store or process used oil and on fill pipes used to transfer used oil into underground storage tanks at the processing or re-refining facility.

Pursuant to 40 *CFR* 279.54(h)(1)(i), at closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, as specified. However, if a used oil processor or re-refiner demonstrates that not all contaminated soils can be practicably removed or decontaminated as required by 279.54(h)(1)(i), the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure requirements that apply to hazardous waste landfills (i.e., the requirements in §265.310) (§279.54(h)(1)(ii)).

Pursuant to 40 *CFR* 279.55, owners and operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements pertaining to: (1) the rebuttable presumption for used oil in section 279.53 and (2) on-specification used oil fuel in section 279.72, if applicable. The owner or operator must keep the plan at the facility.

Pursuant to 40 *CFR* 279.56, used oil processors and re-refiners must keep a record of each used oil shipment accepted for processing/re-refining and each used oil shipment that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents (§§279.56(a) and (b)). Records of must be maintained for at least three years (§279.56(c)).

40 *CFR* 279.57(a)(1) requires owners and operators to keep a written operating record at the facility. Section 279.57(a)(2) lists the information that must be recorded, as it becomes available, and maintained in the operating record until closure of the facility.

Under 40 *CFR* 279.57(b), used oil processors/re-refiners must report to EPA, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), specified information concerning used oil activities during the previous calendar year.

#### **(5) Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery**

40 *CFR* 279.62 requires used oil burners which have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number, which can be obtained by submitting to EPA a completed EPA Form 8700-12 or a letter requesting an EPA identification number.



40 CFR 279.63 provides that, to ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm. If the used oil contains greater than or equal to 1,000 ppm total halogens, the used oil burner may rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired. Records of analyses conducted or information used to comply with section 279.63 must be maintained by the burner for at least three years (§279.63(d)).

40 CFR 279.64(f) requires that labels with the words “Used Oil” be clearly placed on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the burner facility.

Pursuant to 40 CFR 279.65, used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents (§279.65(a)). Records must be maintained for at least three years (§279.65(b)).

Pursuant to 40 CFR 279.66(a), before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed certification. This certification must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner (§279.66(b)).

#### **(6) Used Oil Fuel Marketers**

Pursuant to 40 CFR 279.72(a), a used oil generator, transporter, processor/re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of section 279.11 by performing analyses or by obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. Under section 279.72(b), a generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under section 279.11 (i.e., a used oil marketer), must keep copies of analyses of the used oil, or other information used to make this determination, for three years.

40 CFR 279.73 requires used oil marketers which have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number, which can be obtained by submitting to EPA a completed EPA Form 8700-12 or a letter requesting an EPA identification number. Submit to EPA a completed EPA Form 8700-12 or a letter requesting an identification number.

Under 40 CFR 279.74(a), any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each used oil shipment shipped to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading, or other



shipping documents. Under section 279.74(b), a generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under section 279.11 must keep a record of each used oil shipment shipped to an on-specification used oil burner. Records under sections 279.74(a) and (b) must be maintained for at least three years.

Pursuant to 40 *CFR* 279.75(a), before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed certification. This certification must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner (§279.75(b)).

#### **(7) State Programs**

Pursuant to 40 *CFR* 279.82(b), a State may petition EPA (e.g., as part of its authorization petition submitted to EPA under section 271.5 or as a separate submission) to allow the use of used oil as a dust suppressant. The State must demonstrate that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use of dust suppressant on the environment.

## 2. NEED FOR AND USE OF THE COLLECTION

### 2(a) Need And Authority For The Collection

Section 3014 of RCRA, as amended, provides EPA with the statutory authority to promulgate the 40 *CFR* part 279 used oil management standards to protect public health and the environment and to not discourage recycling. Sections 3007 and 3013 of RCRA provide EPA with the authority to require the collection of information associated with these standards. Section 3007 provides that any hazardous waste handler shall, upon request by any authorized representative of EPA, furnish information relating to the wastes being managed, and grant access to all records relating to such wastes. Section 3013 gives EPA the authority to issue an order requiring a facility owner/operator to conduct monitoring, testing, analysis, and reporting with respect to such facility to ascertain the nature and extent of a condition that may pose a substantial hazard to human health and the environment.

In addition, pursuant to section 3010 of RCRA, used oil handlers who have not received an EPA identification number must obtain one by notifying EPA of their used oil activity and requesting an EPA identification number.

#### (1) Used Oil Transporters and Transfer Facilities

Section 279.42 requires used oil transporters and transfer facilities to obtain an EPA identification number. This information collection is needed to ensure consistent and coordinated identification of the facility by EPA under RCRA and other regulatory programs.

Section 279.43(c) provides that, in the event of a discharge of used oil during transportation, the transporter must give notice to the NRC and report in writing to DOT, as specified. EPA believes this information collection is necessary to minimize threats to human health and the environment caused by a discharge of used oil.

Pursuant to section 279.44, transporters and transfer facilities must ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii). If the used oil contains greater than or equal to 1,000 ppm total halogens, the transporter may rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste. Records of analyses conducted or information used to comply with section 279.44 must be maintained by the used oil transporter for at least three years. EPA believes that this information collection is necessary to ensure that transporters and transfer facilities are not managing hazardous waste under part 279.

Under section 279.45(g), used oil transporters and transfer facilities are required to place labels with the words "Used Oil" on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the transfer facilities. EPA believes this labeling requirement is necessary to inform on- and off-site personnel (e.g., emergency response personnel) of the used oil, so that they may take appropriate

action as needed. The labels also will assist EPA site inspectors ensure the used oil is being managed in a compliant manner at transfer facilities.

Section 279.46 requires used oil transporters and transfer facilities to keep records of each used oil shipment (1) accepted for transport; (2) delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility; or (3) exported to any foreign country. The records must be maintained for at least three years. EPA believes that these requirements assist in keeping used oil handlers accountable for the movement of used oil. EPA also believes these recordkeeping requirements are necessary to monitor the flow of used oil within the used oil management system. By providing a paper trail documenting all parties who handled the used oil, the requirements also discourage adulteration of used oil by any used oil transporter or transfer facility.

## **(2) Used Oil Processors and Re-Refiners**

Section 279.51 requires used oil processors/re-refiners to obtain an EPA identification number. This information collection is needed to ensure consistent and coordinated identification of the facility by EPA under RCRA and other regulatory programs.

Section 279.52(a)(6) specifically requires processors/re-refiners to document any refusal on the part of any local authorities to enter into an arrangement to handle emergencies. EPA believes that this information collection is necessary to demonstrate that necessary arrangements with State or local authorities have been made.

Section 279.52(b) requires all used oil processors/re-refiners to prepare and maintain contingency plans and to notify State and local authorities whenever an imminent or actual emergency situation occurs. EPA believes that these information collection requirements will ensure that used oil processing and re-refining facilities are maintained to minimize the threat of a sudden or non-sudden release, fire, explosion or similar emergency, as well as ensure that facilities are prepared to undertake appropriate actions if an emergency situation occurs.

Pursuant to section 279.53, processors/re-refiners must ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii). If the used oil contains greater than or equal to 1,000 ppm total halogens, the processor/re-refiner may rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste. EPA believes that this information collection is necessary to ensure that processors/re-refiners complying with the part 279 requirements are not managing used oil that contains hazardous waste.

Under section 279.54(f), used oil processors/re-refiners are required to place labels with the words "Used Oil" on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the processing or re-refining facility. EPA believes this labeling requirement is necessary to inform on- and off-site personnel (e.g., emergency response personnel) of the used oil, so that they may take appropriate action as

needed. The labels also will assist EPA site inspectors ensure the used oil is being managed in a compliant manner at processing and re-refining facilities.

Pursuant to section 279.54(h)(1), if a used oil processor or re-refiner demonstrates that not all contaminated soils can be practicably removed or decontaminated as required by 279.54(h)(1)(i), the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure requirements that apply to hazardous waste landfills (i.e., the requirements in §265.310). Requiring used oil processing and re-refining facilities to comply with these regulations contributes to EPA's goal of ensuring that all tank systems are closed in a manner that controls, minimizes, or eliminates post-closure escape of used oil to ground or surface waters and the atmosphere to the extent necessary to protect human health and the environment.

Pursuant to section 279.55, used oil processors/re-refiners must develop a written used oil analysis plan and retain a copy of the plan at the facility. The plan must include information concerning methods, location, and frequency for analysis of used oil. EPA believes this requirement will ensure that processors/re-refiners have a systematic way of analyzing used oil, and determining the composition of the used oil (e.g., halogen content).

Section 279.56 requires used oil processors/re-refiners to keep records of each used oil shipment accepted for processing/re-refining or shipped to a used oil burner, processor/re-refiner, or disposal facility. The records must be maintained for at least three years. EPA believes that these requirements assist in keeping used oil handlers accountable for the movement of used oil. EPA also believes these recordkeeping requirements are necessary to monitor the flow of used oil within the used oil management system. By providing a paper trail documenting all parties who handled the used oil, the requirements also discourage adulteration of used oil by any used oil processor/re-refiner.

Pursuant to section 279.57, processors/re-refiners must keep a written operating record at the facility. In addition, they must submit a biennial report to EPA concerning used oil activities during the previous calendar year. EPA believes that requiring facilities to develop and maintain an operating record and report on the used oil activities at their facilities contributes to EPA's goal of minimizing damage to the environment due to the management of used oil.

### **(3) Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery**

Section 279.62 requires used oil burners to obtain an EPA identification number. This information collection is needed to ensure consistent and coordinated identification of the facility by EPA under RCRA and other regulatory programs.

Pursuant to section 279.63, burners must ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii). If the used oil contains greater than or equal to 1,000 ppm total halogens, the burner may rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste. Records of analyses

conducted or information used to comply with section 279.63 must be maintained by the used oil burner for at least three years. EPA believes that this information collection is necessary to ensure that burners are not managing hazardous waste under part 279.

Under section 279.64(f), used oil burners are required to place labels with the words "Used Oil" on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the burner facility. EPA believes this labeling requirement is necessary to inform on- and off-site personnel (e.g., emergency response personnel) of the used oil, so that they may take appropriate action as needed. The labels also will assist EPA site inspectors ensure the used oil is being managed in a compliant manner at burning facilities.

Section 279.65 requires used oil burners to keep records of each used oil shipment accepted for burning. The records must be maintained for at least three years. EPA believes that these requirements assist in keeping used oil handlers accountable for the movement of used oil. EPA also believes these recordkeeping requirements are necessary to monitor the flow of used oil within the used oil management system. By providing a paper trail documenting all parties who handled the used oil, the requirements also discourage adulteration of used oil by any used oil burner.

Pursuant to section 279.66(a), before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed certification. This certification must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner. EPA believes that these information collection requirements are the final step in monitoring the flow of used oil within the used oil management system and discouraging adulteration of used oil, by providing a paper trail documenting all parties who handled the used oil. These requirements provide a self-implementing mechanism to ensure that off-specification used oils are burned only in approved units.

#### **(4) Used Oil Fuel Marketers**

Pursuant to section 279.72, marketers that demonstrate that used oil meets the specifications of section 279.11 are not subject to further regulation. These persons may determine that used oil meets the specifications of section 279.11 by performing analyses on the used oil or by obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. All copies of analysis or other information must be kept for at least three years. EPA believes this information collection is necessary to ensure that the used oil fuel marketer is accountable for the quality of the used oil. In addition, by documenting the quality of the used oil, the requirements also discourage adulteration of used oil by any used oil handler.

Section 279.73 requires used oil fuel marketers to obtain an EPA identification number. This information collection is needed to ensure consistent and coordinated identification of the facility by EPA under RCRA and other regulatory programs.

Section 279.74 requires used oil fuel marketers to keep records of each shipment of off-specification used oil shipped to a burner and each shipment of on-specification used oil shipped to an on-specification burner. These records must be maintained for at least three years. EPA believes that these requirements assist in keeping used oil handlers accountable for the movement of used oil. EPA also believes these recordkeeping requirements are necessary to monitor the flow of used oil within the used oil management system. By providing a paper trail documenting all parties who handled the used oil, the requirements also discourage adulteration of used oil by any used oil handler.

Pursuant to section 279.75(a), before a used oil generator, transporter, or processor/refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed certification from the burner. This certification must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner. EPA believes that this information collection provides assurances that the off-specification oil is burned in facilities with appropriate emission controls. It also provides a paper trail documenting all parties who handled the used oil, thereby discouraging adulteration of used oil by any used oil handler.

## **(5) State Programs**

Pursuant to section 279.82(b), a State may petition EPA to allow the use of used oil as a dust suppressant. The State must demonstrate that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. EPA believes this information collection is necessary to ensure that the used oil will be used in a manner that is protective of human health and the environment.

### **2(b) Practical Utility/Users of the Data**

#### **(1) Used Oil Transporters and Transfer Facilities**

Under section 279.42, a used oil transporter or transfer facility must request an EPA identification number by completing and submitting EPA Form 8700-12. EPA uses Form 8700-12 to process the request and to ensure accurate and consistent identification of the used oil handler. Both EPA and the transporter or transfer facility use the EPA identification number as a standard way of identifying the used oil handler (e.g., in correspondence, reports).

Section 279.43(c) provides that, in the event of a discharge of used oil during transportation, the transporter must give notice to the NRC and report in writing to DOT, as specified. This information is used by the transporter or transfer facility, the NRC, and DOT in determining appropriate action(s) to protect human health and the environment.



Pursuant to section 279.44, transporters and transfer facilities must ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii). Records of analyses conducted or information used to comply with section 279.44 must be maintained by the used oil transporter for at least three years. EPA and used oil transporters and transfer facilities use this information to document that the used oil does not contain hazardous waste.

Under section 279.45(g), used oil transporters and transfer facilities are required to place labels with the words "Used Oil" on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the transfer facilities. This information is used by on- and off-site personnel managing the used oil or responding to an emergency situation. It also assists EPA facility inspectors ensure the used oil is being managed in a compliant manner at transfer facilities.

Section 279.46 requires used oil transporters and transfer facilities to keep records of each used oil shipment (1) accepted for transport; (2) delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility; or (3) exported to any foreign country. The records must be maintained for at least three years. EPA and used oil transporters and transfer facilities use this information to track the movement of used oil within the used oil management system.

## **(2) Used Oil Processors and Re-Refiners**

Under section 279.51, a used oil processor/re-refiner must request an EPA identification number by completing and submitting EPA Form 8700-12. EPA uses Form 8700-12 to process the request and to ensure accurate and consistent identification of the used oil handler. Both EPA and the processor/re-refiner use the EPA identification number as a standard way of identifying the used oil handler (e.g., in correspondence, reports).

Section 279.52(a)(6) specifically requires processors/re-refiners to document any refusal on the part of any local authorities to enter into an arrangement to handle emergencies. This information is used by processors/re-refiners in the development of their emergency response procedures. Processors/re-refiners may also use this information to demonstrate that they made the necessary efforts to include all appropriate local authorities in their contingency plans and emergency plans.

Section 279.52(b) requires all used oil processors/re-refiners to prepare and maintain contingency plans and to notify State and local authorities whenever an imminent or actual emergency situation occurs. EPA reviews the contingency plan and emergency reports to determine whether a facility has developed adequate procedures to respond to unplanned sudden or non-sudden releases of used oil to the environment. Processors/re-refiners use their contingency plans and emergency procedures when responding to an emergency situation at the facility.



Pursuant to section 279.53, processors/re-refiners must ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii). EPA and used oil processors/re-refiners use this information to document that the used oil does not contain hazardous waste.

Under section 279.54(f), used oil processors/re-refiners are required to place labels with the words "Used Oil" on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the processing or re-refining facility. This information is used by on- and off-site personnel managing the used oil or responding to an emergency situation. It also assists EPA facility inspectors ensure the used oil is being managed in a compliant manner at processing/re-refining facilities.

Pursuant to section 279.54(h)(1), if a used oil processor or re-refiner demonstrates that not all contaminated soils can be practicably removed or decontaminated as required by 279.54(h)(1)(i), the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure requirements that apply to hazardous waste landfills (i.e., the requirements in §265.310). EPA uses information contained in demonstrations to ensure that any activities taking place during the closure and/or post-closure period are protective of human health and the environment.

Pursuant to section 279.55, used oil processors/re-refiners must develop a written used oil analysis plan and retain a copy of the plan at the facility. The analysis plan is used by processors/re-refiners to assure that the incoming used oil is really what the generator claims it to be. Information in the analysis plan may also be used to provide a quality assurance check on the analytical methods being used at the processing/re-refining facility.

Section 279.56 requires used oil processors/re-refiners to keep records of each used oil shipment accepted for processing/re-refining or shipped to a used oil burner, processor/re-refiner, or disposal facility. The records must be maintained for at least three years. EPA and used oil processors/re-refiners use this information to track the movement of used oil within the used oil management system.

Pursuant to section 279.57, processors/re-refiners must keep a written operating record at the facility. In addition, they must submit a biennial report to EPA concerning used oil activities during the previous calendar year. EPA and used oil processors/re-refiners may use information in the operating record to determine what cleanup measures are appropriate. In addition, EPA may use information in the biennial reports to monitor the flow of used oil and assess the relative amounts of used oil that are recycled in different manners. This information also may help the Agency assess the overall effectiveness of the used oil management standards by identifying used oil handling practices that may pose an undue risk to human health and the environment.

### **(3) Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery**

Under section 279.62, a used oil burner must request an EPA identification number by completing and submitting EPA Form 8700-12. EPA uses Form 8700-12 to process the request and to ensure accurate and consistent identification of the used oil handler. Both EPA and the burner use the EPA identification number as a standard way of identifying the used oil handler (e.g., in correspondence, reports).

Pursuant to section 279.63, burners must ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii). EPA and used oil burners use this information to document that the used oil does not contain hazardous waste.

Under section 279.64(f), used oil burners are required to place labels with the words "Used Oil" on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the burner facility. This information is used by on- and off-site personnel managing the used oil or responding to an emergency situation. It also assists EPA facility inspectors ensure the used oil is being managed in a compliant manner at burner facilities.

Section 279.65 requires used oil burners to keep records of each used oil shipment accepted for burning. The records must be maintained for at least three years. EPA and used oil burners use this information to track the movement of used oil within the used oil management system.

Pursuant to section 279.66(a), before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed certification. This certification must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner. Used oil generators, transporters, and processors/re-refiners sending their off-specification used oil to the burner will use this information to document that the burner receiving their off-specification used oil will burn it only in an industrial furnace or boiler identified in section 279.61(a).

### **(4) Used Oil Fuel Marketers**

Pursuant to section 279.72, marketers that demonstrate that used oil meets the specifications of section 279.11 are not subject to further regulation. All copies of analysis or other information must be kept for at least three years. Used oil fuel marketers use this information to document the composition of the on-specification used oil.

Under section 279.73, a used oil fuel marketer must request an EPA identification number by completing and submitting EPA Form 8700-12. EPA uses Form 8700-12 to process the request and to ensure accurate and consistent identification of the used oil handler. Both

EPA and the used oil fuel marketer use the EPA identification number as a standard way of identifying the used oil handler (e.g., in correspondence, reports).

Section 279.74 requires used oil fuel marketers to keep records of each shipment of off-specification used oil shipped to a burner and each shipment of on-specification used oil shipped to a facility. These records must be maintained for at least three years. EPA and used oil fuel marketers use this information to track the movement of used oil within the used oil management system.

Pursuant to section 279.75(a), before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed certification. This certification must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner. Used oil fuel marketers use this information to document that burners receiving their off-specification used oil will burn it only in an industrial furnace or boiler identified in section 279.61(a).

**(5) State Programs**

Pursuant to section 279.82(b), a State may petition EPA to allow the use of used oil as a dust suppressant. The State must demonstrate that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. EPA will use this information in determining whether the State's petition should be granted.

### 3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

#### 3(a) Nonduplication

There is no other Federal agency that collects the information as required under part 279 concerning the management of used oil for recycling. EPA has coordinated the development of the part 279 requirements with the Department of Transportation's 49 *CFR* regulations, where applicable. Used oil transporters must comply with all applicable packaging, labeling, and placarding requirements of 49 *CFR* parts 173, 178, and 179. In addition, used oil transporters must report discharges of used oil according to existing 49 *CFR* part 171 and 33 *CFR* part 153 requirements.

#### 3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA has issued a public notice in the *Federal Register* [ADD FR NOTICE DATE AND CITATION]. The public comment period extends through [ENTER DATE]. At the end of the comment period, EPA will review public comments received in response to the notice and will address comments received, as appropriate.

#### 3(c) Consultations

In developing previously approved ICRs on the used oil standards, EPA conducted consultations with industry representatives. Their feedback enabled the Agency to develop hour and cost assumptions that are representative of their “real-world” experience. In developing this current ICR (ICR Number 1286.06), EPA consulted with Mr. Allan Gressler of the National Oil Recyclers Association (NORA) ((216) 991-8811) to estimate the number of used oil processors/re-refiners and burners.

#### 3(d) Effects of Less Frequent Collection

EPA has carefully considered the burden imposed upon the regulated community by the regulations. EPA is confident that those activities required of respondents are necessary, and to the extent possible, has attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that used oil is being managed in a manner protective of human health and the environment.

#### 3(e) General Guidelines

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's Information Collection Review Handbook, and other applicable OMB guidance.

### **3(f) Confidentiality**

Section 3007(b) of RCRA and 40 *CFR* part 2, subpart B, which defines EPA's general policy on public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the information collection requirements covered in this ICR. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA also has ensured that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

### **3(g) Sensitive Questions**

No questions of a sensitive nature are included in any of the information collection requirements.

#### 4. THE RESPONDENTS AND THE INFORMATION COLLECTED

##### 4(a) Respondent Standard Industrial Classification Codes

The following is a list of Standard Industrial Classification (SIC) codes and corresponding North American Industrial Classification System (NAICS) codes associated with facilities most likely affected by the information requirements covered in this ICR.

Industry Sector	SIC Code	NAICS Code(s)
Petroleum and coal products	2900	324
Motor freight transportation and warehousing	4200	484, 488, 492, 493, 562
Construction machinery and equipment	3531	333, 336
Special industry machinery, nec	3559	332, 333
Electric services	4911	221
Electric and other services combined	4930	221
Scrap and waste materials	5093	421

##### 4(b) Information Requested

###### (1) Used Oil Transporter and Transfer Facilities

###### (a) Notification

40 *CFR* 279.42 requires used oil transporters who have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number. An EPA identification number can be obtained by submitting a completed EPA Form 8700-12 or a letter to EPA requesting an EPA identification number.

###### (i) Data Items:

The data items required of used oil transporters for the above activities include:

- A completed EPA Form 8700-12; or
- A letter requesting an EPA identification number. The letter must include the following information:
  - Transporter company name;
  - Owner of the transporter company;
  - Mailing address for the transporter;
  - Name and telephone number for the transporter point of contact;
  - Type of transport activity;

- Location of all transfer facilities at which used oil is stored; and
- Name and telephone number for a contact at each transfer facility.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil transporters must conduct the following activities:

- Submit to EPA a completed EPA Form 8700-12 or a letter requesting an identification number.

[Note: This ICR does not address the requirement in 40 *CFR* 279.42 for obtaining an EPA identification number. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

(b) **Used Oil Discharges**

40 *CFR* 279.43(c) provides that, in the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area). Section 279.43(c)(3) requires an air, rail, highway, or water transporter who has discharged used oil to give notice, if required by 49 *CFR* 171.15, to the NRC and to report in writing, as required by 49 *CFR* 171.16, to DOT. Section 279.43(c)(4) requires a water transporter who has discharged used oil to give notice as required by 33 *CFR* 153.203.

(i) Data Item:

The data items required of used oil transporters for the above activities include:

- Notification to local authorities of the used oil discharge.

(ii) Respondent Activity:

In order to comply with the above requirements, used oil transporters must conduct the following activities:

- Notify local authorities of the used oil discharge.

[Note: This ICR does not address the 49 *CFR* part 171 and 33 *CFR* part 153 notification requirements referenced in 40 *CFR* 279.43(c) since these requirements are not under EPA’s jurisdiction.]



(c) **Rebuttable Presumption for Used Oil**

40 *CFR* 279.44 provides that, to ensure that used oil is not a hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. The transporter must make this determination by testing the used oil or applying knowledge of the halogen content of the used oil in light of the materials or processes used. If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 *CFR* part 261, subpart D. The owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. Records of analyses conducted or information used to comply with section 279.44 must be maintained by the used oil transporter for at least three years (§279.44(d)).

(i) Data Items:

The data items required of used oil transporters for the above activities include:

- A determination of whether the total halogen content of the used oil being transported or stored at the transfer facility is above or below 1,000 ppm;
- If the used oil contains greater than or equal to 1,000 ppm total halogens, a demonstration that the used oil does not contain hazardous waste; and
- Records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil transporters must conduct the following activities:

- Determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm by testing the used oil or applying knowledge of the halogen content of the used oil in light of the materials or processes used;
- If the used oil contains greater than or equal to 1,000 ppm total halogens, rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste; and
- Maintain records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil for at least three years.

**(d) Labels**

40 *CFR* 279.45(g) requires that labels with the words “Used Oil” be clearly placed on containers and aboveground tanks used to store oil and on fill pipes used to transfer oil into underground storage tanks at the transfer facility.

(i) Data Item:

The data item required of used oil transporters for the above activities include:

- Label with the words "Used Oil."

(ii) Respondent Activity:

In order to comply with the above requirements, used oil transporters must conduct the following activities:

- Affix label with the words "Used Oil."

**(e) Tracking**

Pursuant to 40 *CFR* 279.46, used oil transporters must keep a record of each used oil shipment accepted for transport and each used oil shipment that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility (§§279.46(a) and (b)). In addition, used oil transporters must keep a record of each shipment of used oil exported to any foreign country (§279.46(c)). These shipment records must be maintained for at least three years (§279.46(d)).

(i) Data Items:

The data items required of used oil transporters for the above activities include:

- Records of each used oil shipment accepted for transport, including the following information:
  - The name, address, and EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
  - The quantity of used oil accepted;
  - The date of acceptance; and
  - The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport.

- Records of each used oil shipment sent to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility, including the following information:
  - The name, address, and EPA identification number (if applicable) of the receiving facility or transporter;
  - The quantity of used oil delivered;
  - The date of delivery; and
  - The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.
  
- Records of each used oil shipment exported to any foreign country, including the following information:
  - The name, address, and EPA identification number (if applicable) of the receiving facility or transporter;
  - The quantity of used oil delivered; and
  - The date of delivery.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil transporters must conduct the following activities:

- Prepare and maintain, for at least three year, a record of each used oil shipment accepted for transport.
- Prepare and maintain, for at least three years, a record of each used oil shipment delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility.
- Prepare and maintain, for at least three years, a record of each used oil shipment exported to any foreign country.

**(2) Used Oil Processors and Re-Refiners**

**(a) Notification**

40 *CFR* 279.51 requires used oil processors and re-refiners who have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number. An EPA identification number can be obtained by submitting to EPA a completed EPA Form 8700-12 or a letter to EPA requesting an EPA identification number.

(i) Data Items:

The data items required of used oil processors and re-refiners for the above activities include:

- A completed EPA Form 8700-12; or
- A letter requesting an EPA identification number. The letter must include the following information:
  - Processor or re-refiner company name;
  - Owner of the processor or re-refiner company;
  - Mailing address for the processor or re-refiner;
  - Name and telephone number for the processor or re-refiner point of contact;
  - Type of used oil activity; and
  - Location of the processor or re-refiner facility.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Submit to EPA a completed EPA Form 8700-12 or a letter requesting an identification number.

[Note: This ICR does not address the requirement in 40 *CFR* 279.51 for obtaining an EPA identification number. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

**(b) Arrangements with State and Local Authorities**

Pursuant to 40 *CFR* 279.52(a)(6), owners and operators must attempt to make arrangements to familiarize the State and local authorities (e.g., police, fire departments, emergency response, hospitals) with the layout of the facility, properties of used oil handled at the facility and associated hazards, and the potential need for the services of these organizations, among other things. Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record (§279.52(a)(6)(ii)).

(i) Data Items:

The data item required of used oil processors and re-refiners for the above activities include:

- Documentation in the operating record of cases in which a State or local authority declines to enter into an arrangement with the used oil processor or re-refiner.

(ii) Respondent Activity:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activity:

- Document in the operating record any case in which a State or local authority declines to enter into an arrangement.

(c) **Contingency Plan**

Pursuant to 40 *CFR* 279.52(b)(1), each owner and operator must have a contingency plan for the facility. The contingency plan must address the requirements in section 279.52(b)(2). A copy of the contingency plan and all revisions of the contingency plan must be maintained at the facility and submitted to all State and local authorities that may be called upon to provide emergency services (§279.52(b)(3)). The contingency plan must be reviewed and immediately amended, if necessary (§279.52(b)(4)).

(i) Data Item:

The data item required of used oil processors and re-refiners for the above activities include:

- A contingency plan that includes the following information:
  - A description of actions that facility personnel must take to comply with §§279.52(b)(1) and 279.52(b)(6) 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;
  - A description of arrangements with local police and fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §279.52(a)(6);
  - An up-to-date list of names, addresses, and phone numbers of all persons qualified to act as emergency coordinator;
  - An up-to-date list of all emergency equipment at the facility, including a physical description of each piece of equipment, its location, and its capabilities; and
  - An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Collect the information necessary to develop the contingency plan;
- Develop and maintain the contingency plan; and
- Submit a copy of the contingency plan to all State and local authorities that may be called upon to provide emergency services.
- Review and amend the contingency plan, as necessary.

(d) **Emergency Procedures**

Pursuant to 40 CFR 279.52(b)(6), whenever there is an imminent or actual emergency situation, the emergency coordinator must activate internal facility alarms or communication systems, where applicable, to notify all facility personnel and notify appropriate State and local agencies with designated response roles if their help is needed. If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must immediately notify either the government official designated as the on-scene coordinator (OSC) or the National Response Center (NRC). In addition, if his hazards assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities.

After an emergency situation, an owner or operator cannot resume operations in the affected area(s) of the facility until he notifies EPA and State and local authorities that the facility is in compliance with section 279.52(b)(6)(viii)(A) and (B). In addition, the owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan and submit, within 15 days after the incident, a written report on the incident to EPA.

(i) Data Items:

The data item required of used oil processors and re-refiners for the above activities include:

- Notification to the appropriate State and local agencies of an imminent or actual emergency situation;
- Notification to the appropriate local authorities, if the hazards assessment indicates that evacuation of local areas may be advisable;

- Emergency report to be submitted to either the OSC or the NRC. The report must include:
  - Name and telephone number of reporter;
  - Name and address of facility;
  - Time and type of incident (e.g., release, fire);
  - Name and quantity of material(s) involved, to the extent known;
  - The extent of injuries, if any; and
  - The possible hazards to human health, or the environment, outside the facility.
- After an emergency situation, notification to EPA and State and local authorities that the facility is in compliance with §§279.52(b)(6)(viii)(A) and (B);
- Documentation of the emergency incident in the operating record; and
- A written report on the emergency incident.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Notify the appropriate State and local agencies of an imminent or actual emergency situation;
- Collect information required for an emergency report;
- Notify the appropriate local authorities, if the hazards assessment indicates that evacuation of local areas may be advisable;
- Submit an emergency report to either the OSC or the NRC;
- Compile information that demonstrates that the facility is in compliance with the waste compatibility and emergency equipment requirements in §§279.52(b)(6)(viii)(A) and (B);
- Prepare and submit notification demonstrating compliance to EPA and local authorities;
- Note in the operating record the time, date, and details of the emergency incident;
- Collect information required in the written report on the emergency incident; and



- Prepare and submit to EPA the written report on the emergency incident, within 15 days after the emergency incident.

**(e) Rebuttable Presumption for Used Oil**

40 *CFR* 279.53 provides that, to ensure that used oil managed at a processing/re-refining facility is not hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii), the owner or operator of a used oil processing/re-refining facility must determine whether the total halogen content of used oil being managed at the facility is above or below 1,000 ppm. The owner or operator must make this determination by testing the used oil or applying knowledge of the halogen content of the used oil in light of the materials or processes used. If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 *CFR* part 261, subpart D. The owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste.

**(i) Data Items:**

The data items required of used oil processors and re-refiners for the above activities include:

- A determination of whether the total halogen content of the used oil managed at the facility is above or below 1,000 ppm; and
- If the used oil contains greater than or equal to 1,000 ppm total halogens, a demonstration that the used oil does not contain hazardous waste, if desired.

**(ii) Respondent Activities:**

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm by testing the used oil, applying knowledge of the halogen content of the used oil in light of the materials or processes used.
- If the used oil contains greater than or equal to 1,000 ppm total halogens, rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired.

**(f) Labels**

40 *CFR* 279.54(f) requires that labels with the words “Used Oil” be clearly placed on containers and aboveground tanks used to store or process used oil and on fill pipes used to transfer used oil into underground storage tanks at the processing or re-refining facility.

(i) Data Item:

The data item required of used oil processors and re-refiners for the above activities include:

- Label with the words "Used Oil."

(ii) Respondent Activity:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Affix label with the words "Used Oil."

**(g) Closure of Aboveground Tanks**

Pursuant to 40 *CFR* 279.54(h)(1)(i), at closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, as specified. However, if a used oil processor or re-refiner demonstrates that not all contaminated soils can be practicably removed or decontaminated as required by section 279.54(h)(1)(i), the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure requirements that apply to hazardous waste landfills (i.e., the requirements in §265.310) (§279.54(h)(1)(ii)).

(i) Data Item:

The data item required of used oil processors and re-refiners for the above activities include:

- A demonstration upon closure of a tank system that not all contaminated soils can be practicably removed or decontaminated as required by 279.54(h)(1)(i).

(ii) Respondent Activities:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Prepare and submit to EPA a demonstration demonstrating that not all contaminated soils can be practicably removed or decontaminated as required by §279.54(h)(1)(i), if applicable.

**(h) Analysis Plan**

Pursuant to 40 *CFR* 279.55, owners and operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements pertaining to: (1) the rebuttable presumption for used oil in section 279.53 and (2) on-specification used oil fuel in section 279.72, if applicable. The owner or operator must keep the plan at the facility.

**(i) Data Items:**

The data items required of used oil processors and re-refiners for the above activities include:

- A written analysis plan for the rebuttable presumption for used oil in §279.53. At a minimum, the plan must specify the following:
  - Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination;
  - If sample analyses are used to make this determination:
    - ▶ The sampling method used to obtain representative samples to be analyzed;
    - ▶ The frequency of sampling to be performed, and whether the analysis will be performed on site or off site;
    - ▶ The methods used to analyze used oil for the parameters specified in §279.53;
  - The type of information that will be used to determine the halogen content of the used oil.
- A written analysis plan for on-specification used oil fuel in §279.72. At a minimum, the plan must specify the following if §279.72 is applicable:
  - Whether sample analyses or other information will be used to make this determination;
  - If sample analyses are used to make this determination:
    - ▶ The sampling method used to obtain representative samples to be analyzed;
    - ▶ Whether used oil will be sampled and analyzed prior to or after any processing/re-refining;
    - ▶ The frequency of sampling to be performed, and whether the analysis will be performed on site or off site;

- ▶ The methods used to analyze used oil for the parameters specified in §279.72;
- The type of information that will be used to make the on-specification used oil fuel determination.

(ii) Respondent Activities:

In order to provide the data items listed above, processors and re-refiners must perform the following activities:

- Develop a written analysis plan describing the procedures that will be used to comply with the analysis requirements of §279.53 and, if applicable, §279.72;
- Follow the analysis plan; and
- Maintain the analysis plan at the facility.

(i) **Tracking**

Pursuant to 40 *CFR* 279.56, used oil processors and re-refiners must keep a record of each used oil shipment accepted for processing/re-refining and each used oil shipment that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents (§§279.56(a) and (b)). Records of must be maintained for at least three years (§279.56(c)).

(i) Data Items:

The data items required of used oil processors and re-refiners for the above activities include:

- Records of each used oil shipment accepted for processing/re-refining, including the following information:
  - The name, address, and EPA identification number of the transporter who delivered the used oil to the processor/re-refiner;
  - The name, address, and EPA identification number (if applicable) of the generator or processor from whom the used oil was sent for processing/re-refining;
  - The quantity of used oil accepted; and
  - The date of acceptance.
- Records of each used oil shipment that is shipped to a used oil burner, processor/re-refiner, or disposal facility, including the following information:

- The name, address, and EPA identification number of the transporter who delivered the used oil to the burner, processor/re-refiner, or disposal facility;
- The name, address, and EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
- The quantity of used oil shipped; and
- The date of shipment.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activities:

- Prepare and maintain, for at least three years, a record of each used oil shipment accepted for processing/re-refining; and
- Prepare and maintain, for at least three years, a record of each used oil shipment that is shipped to a used oil burner, processor/re-refiner, or disposal facility.

(j) **Operating Record**

40 *CFR* 279.57(a)(1) requires owners and operators to keep a written operating record at the facility. Section 279.57(a)(2) lists the information that must be recorded, as it becomes available, and maintained in the operating record until closure of the facility.

(i) Data Items:

The data items required of used oil processors and re-refiners for the above activities include:

- A written operating record at the facility that includes the following information:
  - Records and results of used oil analyses performed as described in the analysis plan required under §279.55; and
  - Summary reports and details of all incidents that require implementation of the contingency plan as specified in §279.52(b).

(ii) Respondent Activity:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activity:

- As information becomes available, record in the operating record the results of used oil analyses performed as described in the analysis plan required under

§279.55 and summary reports and details of all emergency incidents as specified in §279.52(b).

**(k) Reporting**

Under 40 *CFR* 279.57(b), used oil processors/re-refiners must report to EPA, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), specified information concerning used oil activities during the previous calendar year.

(i) Data Items:

The data items required of used oil processors and re-refiners for the above activities include:

- A letter containing the following information:
  - The EPA identification number, name, and address of the processor or re-refiner;
  - The calendar year covered by the report; and
  - The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil processors and re-refiners must conduct the following activity:

- Prepare and submit to EPA a biennial report (by March 1 of each even numbered year) concerning used oil activities during the previous calendar year.

**(3) Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery**

**(a) Notification**

40 *CFR* 279.62 requires used oil burners which have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number. An EPA identification number can be obtained by submitting to EPA a completed EPA Form 8700-12 or a letter requesting an EPA identification number.

(i) Data Items:

The data items required of used oil burners for the above activities include:

- A completed EPA Form 8700-12; or
- A letter requesting an EPA identification number. The letter must include the following information:
  - Burner company name;
  - Owner of the burner company;
  - Mailing address for the burner;
  - Name and telephone number for the burner point of contact;
  - Type of used oil activity; and
  - Location of the burner facility.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil burners must conduct the following activities:

- Submit to EPA a completed EPA Form 8700-12 or a letter requesting an identification number.

[Note: This ICR does not address the requirement in 40 *CFR* 279.62 for obtaining an EPA identification number. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

**(b) Rebuttable Presumption for Used Oil**

40 *CFR* 279.63 provides that, to ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of section 279.10(b)(1)(ii), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm. The used oil burner must make this determination by testing the used oil, applying knowledge of the halogen content of the used oil in light of the materials or processes used, or using information provided by the processor/re-refiner (if applicable). If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 *CFR* part 261, subpart D. The owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. Records of analyses conducted or information used to comply with section 279.63 must be maintained by the used oil burner for at least three years (§279.63(d)).

(i) Data Items:

The data items required of used oil burners for the above activities include:



- A determination of whether the total halogen content of the used oil managed at the facility is above or below 1,000 ppm;
- If the used oil contains greater than or equal to 1,000 ppm total halogens, a demonstration that the used oil does not contain hazardous waste; and
- Records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil burners must conduct the following activities:

- Determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm by testing the used oil, applying knowledge of the halogen content of the used oil in light of the materials or processes used, or using information provided by the processor/re-refiner (if applicable);
- If the used oil contains greater than or equal to 1,000 ppm total halogens, rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired; and
- Maintain records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil for at least three years.

(c) **Labels**

40 *CFR* 279.64(f) requires that labels with the words "Used Oil" be clearly placed on containers and aboveground tanks used to store used oil and on fill pipes used to transfer used oil into underground storage tanks at the burner facility.

(i) Data Item:

The data item required of used oil burners for the above activities include:

- Label with the words "Used Oil."

(ii) Respondent Activity:

In order to comply with the above requirements, used oil burners must conduct the following activities:

- Affix label with the words "Used Oil."

**(d) Tracking**

Pursuant to 40 *CFR* 279.65, used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents (§279.65(a)). Records must be maintained for at least three years (§279.65(b)).

(i) Data Items:

The data items required of used oil burners for the above activities include:

- Records of each used oil shipment accepted for burning, including the following information:
  - The name, address, and EPA identification number of the transporter who delivered the used oil to the burner;
  - The name, address, and EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent to the burner;
  - The quantity of used oil accepted; and
  - The date of acceptance.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil burners must conduct the following activities:

- Prepare and maintain, for at least three year, a record of each used oil shipment accepted for burning.

**(e) Notices**

Pursuant to 40 *CFR* 279.66(a), before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed certification. This certification must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner (§279.66(b)).

(i) Data Item:

The data item required of used oil burners for the above activities include:

- A one-time written and signed notice certifying that:

- The burner has notified EPA of his location and has provided a general description of his used oil management activities; and
- The burner will burn the used oil only in an industrial furnace or boiler identified in §279.61(a).

(ii) Respondent Activities:

In order to comply with the above requirements, used oil burners must conduct the following activities:

- Provide a one-time written and signed certification to each generator, transporter, or processor/refiner who ships used oil to the burner; and
- Maintain the certification for three years after the date the burner last receives a used oil shipment from that generator, transporter, or processor/re-refiner.

**(4) Used Oil Fuel Marketers**

**(a) Analysis of On-specification Used Oil Fuel**

Pursuant to 40 *CFR* 279.72(a), a used oil generator, transporter, processor/re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of section 279.11 by performing analyses or by obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

Under section 279.72(b), a generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under section 279.11 (i.e., a used oil marketer), must keep copies of analyses of the used oil, or other information used to make this determination, for three years.

(i) Data Items:

The data item required of used oil marketers for the above activities include:

- Records of analyses performed or copies of analyses or other information documenting that the used oil fuel meets the specifications under §279.11.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil marketers must conduct the following activities:

- Perform used oil analyses or obtain copies of analyses or other information documenting that the used oil fuel meets the specifications under §279.11; and

- Retain copies of analyses or other information used to make the on-specification used oil fuel determination for three years.

**(b) Notification**

40 *CFR* 279.73 requires used oil marketers which have not previously complied with the notification requirements of section 3010 of RCRA to obtain an EPA identification number. An EPA identification number can be obtained by submitting to EPA a completed EPA Form 8700-12 or a letter requesting an EPA identification number.

(i) Data Items:

The data items required of used oil marketers for the above activities include:

- A completed EPA Form 8700-12; or
- A letter requesting an EPA identification number. The letter must include the following information:
  - Marketer company name;
  - Owner of the marketer;
  - Mailing address for the marketer;
  - Name and telephone number for the marketer point of contact; and
  - Type of used oil activity.

(ii) Respondent Activities:

In order to comply with the above requirements, used oil marketers must conduct the following activities:

- Submit to EPA a completed EPA Form 8700-12 or a letter requesting an identification number.

[Note: This ICR does not address the requirement in 40 *CFR* 279.73 for obtaining an EPA identification number. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

**(c) Tracking**

Under 40 *CFR* 279.74(a), any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each used oil shipment shipped to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents.

Under section 279.74(b), a generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under section 279.11 must keep a record of each used oil shipment shipped to an on-specification used oil burner.

Records under sections 279.74(a) and (b) must be maintained for at least three years.

(i) Data Items:

The data items required of used oil marketers for the above activities include:

- Records of each shipment of off-specification used oil shipped to a burner, including the following information:
  - The name, address, and EPA identification number of the transporter who delivers the used oil to the burner;
  - The name, address, and EPA identification number of the burner who will receive the used oil;
  - The quantity of used oil shipped; and
  - The date of shipment.
- Records of each shipment of on-specification used oil shipped to facility must include the following information:
  - The name and address of the facility receiving the shipment;
  - The quantity of used oil fuel delivered;
  - The date of the shipment or delivery; and
  - A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under §279.72(a).

(ii) Respondent Activities:

In order to comply with the above requirements, used oil marketers must conduct the following activities:

- Prepare and maintain, for at least three year, a record of each shipment of off-specification used oil fuel shipped to a burner; and
- Prepare and maintain, for at least three year, a record of each shipment of on-specification used oil fuel shipped to a facility.

**(d) Notices**

Pursuant to 40 *CFR* 279.75(a), before a used oil generator, transporter, or processor/refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed certification. This certification must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner (§279.75(b)).

(i) Data Item:

The data item required of used oil marketers for the above activities include:

- A one-time written and signed notice certifying that:
  - The burner has notified EPA of his location and has provided a general description of his used oil management activities; and
  - The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in §279.61 (a).

(ii) Respondent Activities:

In order to comply with the above requirements, used oil marketers must conduct the following activities:

- Obtain a one-time written and signed certification from the burner; and
- Maintain the certification for three years from the date the last shipment of off-specification used oil is shipped to the burner.

**(5) State Programs**

Pursuant to 40 *CFR* 279.82(b), a State may petition EPA (e.g., as part of its authorization petition submitted to EPA under §271.5 or as a separate submission) to allow the use of used oil as a dust suppressant. The State must demonstrate that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use of dust suppressant on the environment.

(i) Data Items:

The data item required of States for the above activities include:

- A petition demonstrating the following:

- The State has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant; and
- The program would minimize the impacts of use of dust suppressant on the environment.

(ii) Respondent Activities:

In order to comply with the above requirements, States must conduct the following activities:

- Prepare and submit to EPA a petition to allow the use of used oil as a dust suppressant.



## 5. THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

The following subsections discuss how EPA will collect the information, what activities EPA will perform once the information has been received, and how EPA will manage the information it collects. The subsections also include a discussion of how the information collection requirements affect small entities.

### 5(a) Agency Activities

#### (1) Used Oil Transporters and Transfer Facilities

##### (a) Notification

Agency activities associated with the requirement for used oil transporters and transfer facilities to obtain an EPA identification number include:

- Reviewing the completed application;
- Entering information into the RCRAInfo system;
- Generating an EPA identification number; and
- Sending the EPA identification number to the used oil handler.

[Note: This ICR does not address the requirement in 40 *CFR* 279.42 for providing an EPA identification number to used oil transporters and transfer facilities. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

##### (b) Rebuttable Presumption for Used Oil

Agency activities associated with the demonstration under section 279.44 that used oil containing greater than or equal to 1,000 ppm total halogens does not contain hazardous waste may include:

- Reviewing the demonstration; and
- Entering information into a database.

**(2) Used Oil Processors and Re-Refiners**

**(a) Notification**

Agency activities associated with the requirement for used oil processors/re-refiners to obtain an EPA identification number include:

- Reviewing the completed application;
- Entering information into the RCRAInfo system;
- Generating an EPA identification number; and
- Sending the EPA identification number to the used oil handler.

[Note: This ICR does not address the requirement in 40 *CFR* 279.51 for providing an EPA identification number to used oil processors/re-refiners. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

**(b) Emergency Procedures**

Agency activities associated with the emergency procedures in section 279.52(b)(6) include:

- Reviewing information in notification letters demonstrating that the facility is in compliance with the waste compatibility and emergency equipment requirements in §§279.52(b)(6)(viii)(A) and (B); and
- Reviewing information in written reports on emergency incidents.

**(c) Rebuttable Presumption for Used Oil**

Agency activities associated with the demonstration under section 279.53 that used oil containing greater than or equal to 1,000 ppm total halogens does not contain hazardous waste may include:

- Reviewing the demonstration; and
- Entering information into a database.

**(d) Closure of Aboveground Tanks**

Agency activities associated with the closure of above ground tanks under section 279.54(h)(1) include:

- Reviewing information submitted by used oil processors/re-refiners demonstrating that not all contaminated soils can be practicably removed or decontaminated as required by section 279.54(h)(1)(i); and
- Entering information into a database.

**(e) Reporting**

Agency activities associated with the reporting requirements under section 279.57(b) include:

- Reviewing biennial reports concerning used oil activities conducted at processing/re-refining facilities.

**(3) Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery**

**(a) Notification**

Agency activities associated with the requirement for used oil burners to obtain an EPA identification number include:

- Reviewing the completed application;
- Entering information into the RCRAInfo system;
- Generating an EPA identification number; and
- Sending the EPA identification number to the used oil handler.

[Note: This ICR does not address the requirement in 40 *CFR* 279.62 for providing an EPA identification number to used oil burners. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

**(b) Rebuttable Presumption for Used Oil**

Agency activities associated with the demonstration under section 279.63 that used oil containing greater than or equal to 1,000 ppm total halogens does not contain hazardous waste include:

- Reviewing the demonstration; and
- Entering information into a database.

#### (4) Used Oil Fuel Marketers

Agency activities associated with the requirement for used oil fuel marketers to obtain an EPA identification number include:

- Reviewing the completed application;
- Entering information into the RCRAInfo system;
- Generating an EPA identification number; and
- Sending the EPA identification number to the used oil handler.

[Note: This ICR does not address the requirement in 40 *CFR* 279.73 for providing an EPA identification number to used oil fuel marketers. Refer to the “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

#### (5) State Programs

Agency activities associated with the information collection requirements under section 279.82(b) include:

- Reviewing and approving/denying petitions submitted by State programs.

##### 5(b) Collection Methodology and Management

In collecting and analyzing the information required under the part 279 requirements, EPA uses equipment such as personal computers and applicable data base software, when appropriate. EPA will ensure the accuracy and completeness of the collected information by reviewing each submittal. EPA will enter the information obtained into a database, as appropriate, and aggregate data to monitor the used oil management program.

##### 5(c) Small Entity Flexibility

In promulgating the used oil management regulations covered in this ICR, EPA considered the reporting and recordkeeping burden for small businesses. The regulations in part 279 allow used oil handlers to maintain most information in facility records rather than in submittals to EPA, thus reducing time and costs for providing information.

In addition, the used oil management system is a regulatory relief initiative that should reduce regulatory burden and costs for all used oil handlers, but should particularly benefit small entities.

#### **5(d) Collection Schedule**

For the most part, EPA collects information under the part 279 regulations on a one-time or as-needed basis (e.g., notifications, demonstrations). However, in the event that a release, fire, or explosion occurs, used oil processors/re-refiners must inform EPA and appropriate State and local authorities that the facility is in compliance with the waste compatibility and emergency equipment requirements in section 279.52(b)(6) before operations are resumed. Within 15 days after the incident, processors/re-refiners must submit a written report on the incident to EPA, as required by sections 279.52(b)(6)(ix).

In addition, under section 279.57(b), processors/re-refiners are required to report to EPA, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), specified information concerning used oil activities during the previous calendar year.

## 6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION

### 6(a) Estimating Respondent Hours

EPA estimates respondent hourly burden for all the information collection requirements covered in this ICR in Exhibits 1 through 6.

### 6(b) Estimating Respondent Costs

Exhibits 1 through 6 estimate the annual costs to respondents based on the cost of labor, capital, and operations and maintenance (O&M).

#### (1) Labor Costs

Table 1 shows the average hourly labor rates, by labor category, for used oil handlers and State programs.<sup>1</sup>

In estimating average hourly labor rates for transporters and transfer facilities, processors/re-refiners, burners, and marketers, EPA referred to the loaded hourly rates in the previous ICR (ICR Number 1286.05).<sup>2</sup> EPA applied an adjustment factor of 1.086 to update the loaded hourly rates to 2001 levels.

In estimating average hourly labor rates for State programs, EPA referred to the U.S. Bureau of Labor Statistics' News Release, "Employer Costs for Employee Compensation - March 2001" (June 29, 2001).<sup>3</sup> This document summarizes loaded hourly rates for various categories in State and local government.

The labor rates in Table 1 were used to calculate the labor cost to all respondents in conducting the reporting and recordkeeping activities covered in this ICR.

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<sup>1</sup> Note that, for purposes of this ICR, States are considered *respondents* when they submit documents to EPA to satisfy applicable 40 CFR regulations (e.g., submitting a petition to allow the use of used oil as a dust suppressant). States are considered *regulators* when administering a regulatory program, e.g., receiving emergency incident reports from facilities.

<sup>2</sup> Loaded hourly costs in EPA ICR Number 1286.05 were obtained through consultations with the regulated community.

<sup>3</sup> Specifically, EPA referred to Table 4, "Employer Costs per Hour Worked for Employee Compensation and Costs as a Percent of Total Compensation: State and Local Government, by Occupational and Industry Group, March 2001."

**Table 1**  
**Average Hourly Respondent Labor Cost, by Labor Category**

<b>Respondent</b>	<b>Managerial</b>	<b>Technical</b>	<b>Clerical</b>
Used oil transporters and transfer facilities	\$37.30	\$27.75	\$18.66
Used oil processors and re-refiners	\$37.30	\$29.38	\$19.53
Used oil burners of off-specification used oil	\$42.17	\$32.31	\$14.66
Used oil fuel marketers	\$37.30	\$28.95	\$18.66
State Programs	\$37.42	\$25.32	\$19.27

**(2) Capital Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements covered in this ICR.

**(3) Operations and Maintenance Costs**

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as "the recurring dollar amount of cost associated with O&M or purchasing services." For this ICR, O&M costs cover mailing costs (\$0.37 for a letter and \$3.95 for a two-pound package) and used oil testing costs (\$5.71 per test).<sup>4</sup>

**6(c) Estimating Agency Hour and Cost Burden**

EPA estimates the Agency hour and cost burden associated with all of the requirements covered in this ICR in Exhibit 7. Based on the "General Schedule (GS) Salary Table 2002," EPA estimates an average hourly labor rate of \$45.55 for managerial staff (GS-13, Step 1), \$31.95 for technical staff (GS-11, Step 1), and \$19.42 for clerical staff (GS-6, Step 1). To derive these hourly estimates, EPA multiplied the basic hourly rates by the standard government overhead factor of 1.6.

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<sup>4</sup> Used oil testing costs are based on the testing cost estimate of \$5.36 included in the previous ICR (ICR Number 1286.05). This estimate was updated to 2001 cost levels using the Consumer Price Indexes developed by the U.S. Bureau of Labor Statistics. Available at: <http://www.bls.gov/>.



## 6(d) Estimating the Respondent Universe and Total Hour and Cost Burden

### (1) Respondent Universe

Based on an analysis of readily available data, EPA estimates that 379 used oil transporters and transfer facilities will be subject to the information collection requirements in part 279, subpart E during the three-year period of this ICR.<sup>5</sup>

In addition, based on consultations with NORA, EPA estimates that 150 used oil processors/re-refiners, on average, will be subject to the information collection requirements in part 279, subpart F during the three-year period of this ICR.<sup>6,7</sup> EPA also estimates that 750 used oil burners will be subject to the information collection requirements in part 279, subpart G.<sup>8,9</sup>

EPA further estimates that 340 used oil fuel marketers are subject to the information collection requirements in part 279, subpart H.<sup>10</sup>

Finally, based on State rule authorization and adoption status reports developed by the Office of Solid Waste, EPA estimates that 21 State programs have been authorized to implement the regulations under 40 *CFR* part 279.<sup>11</sup> These State programs are subject to the information collection requirements in part 279, subpart I.

Table 2 shows the estimated number of used oil handlers and State programs subject to the information collection requirements covered in this ICR.

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<sup>5</sup> In estimating the number of used oil transporters and transfer facilities, EPA referred to the HACTIVITY table of the Handler Module in RCRAInfo to ascertain the notification data.

<sup>6</sup> Conversation with Mr. Alan Gressler, NORA, on January 25, 2002.

<sup>7</sup> NORA indicated that, because of consolidations in the used oil industry, the number of used oil processors/re-refiners has decreased over the past three years and that there will be few, if any, new processors/re-refiners.

<sup>8</sup> Conversation with Mr. Alan Gressler, NORA, on January 25, 2002.

<sup>9</sup> Note that, based on consultations with NORA, EPA has increased its estimate of the number of used oil burners from the previous ICR (ICR Number 1286.05). NORA estimated that there are roughly five times as many burners as processors/re-refiners. EPA believes the new estimate better reflects the actual number of used oil burners in the U.S.

<sup>10</sup> In estimating the number of used oil marketers, EPA assumed that 50 percent of the transporters and transfer facilities (i.e.,  $0.50 \times 379 = 190$ ) and all processors/re-refiners (i.e., 150) act as used oil fuel marketers. Thus, EPA estimates that there are 340 used oil fuel marketers.

<sup>11</sup> Based on information in Checklist 112. This checklist provides State rule authorization and adoption status for the recycled used oil management standards, as of September 30, 2001.

**Table 2  
Number of Respondents Subject to the Requirements of 40 CFR Part 279**

Type of Respondent	Number of Respondents
Used oil transporters and transfer facilities	379
Used oil processors and re-refiners	150
Burners of off-specification used oil	750
Used oil fuel marketers	340
State programs	21

**(2) Annual Respondent Hour and Cost Burden**

Based on the universe data presented in Table 2, EPA estimated respondent burden associated with all of the requirements covered in this ICR in Exhibits 1 through 6. A discussion of the assumptions used in developing these burden estimates follows.

**(a) Used Oil Transporters and Transfer Facilities**

**(a1) Reading the Regulations**

EPA expects that 379 used oil transporters and transfer facilities will read the part 279, subpart E regulations each year. This assumption is reflected in Exhibit 1.

**(a2) Used Oil Discharge**

EPA expects one percent of transporters to notify local authorities of a discharge of used oil under section 279.43.

**(a3) Rebuttable Presumption for Used Oil**

EPA estimates that all 379 transporters and transfer facilities will determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm by testing the used oil. EPA estimates that each transporter and transfer facility will conduct 4,633 tests each year. Transporters and transfer facilities are expected to maintain records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil for at least three years.

Exhibit 1

Used Oil Management Standards

Estimated Respondent Hour and Cost Burden

INFORMATION COLLECTION ACTIVITY	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$37.30/Hr	Technical @ \$27.75/Hr	Clerical @ \$18.66/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>Used Oil Transporters and Transfer Facilities</b>										
<b>Reading the Regulations</b>										
Read the regulations	2.00	1.50	0.00	3.50	\$116.23	\$0.00	\$0.00	379	1,326.50	\$44,051.17
<b>Used Oil Discharges (\$279.43(c))</b>										
Notify local authorities of the used oil discharge	0.25	1.00	0.00	1.25	\$37.08	\$0.00	\$0.00	4	5.00	\$148.32
<b>Rebuttable Presumption for Used Oil (\$279.44)</b>										
Determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm	0.00	0.10	0.00	0.10	\$2.78	\$0.00	\$5.70	1,755,907	175,590.70	\$14,890,091.36
If the used oil contains greater than or equal to 1,000 ppm total halogens, rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired	1.50	8.00	0.50	10.00	\$287.28	\$0.00	\$0.00	0	0.00	\$0.00
Maintain records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil for at least three years	0.00	0.00	0.01	0.01	\$0.19	\$0.00	\$0.00	1,755,907	17,559.07	\$333,622.33
								<b>Subtotal</b>	<b>193,149.77</b>	<b>\$15,223,713.69</b>
<b>Tracking (\$279.46)</b>										
Prepare and maintain, for at least three years, a record of each used oil shipment accepted for transport	0.00	0.03	0.05	0.08	\$1.80	\$0.00	\$0.00	1,516,000	124,312.00	\$2,728,800.00
Prepare and maintain, for at least three years, a record of each used oil shipment delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility	0.00	0.03	0.05	0.08	\$1.80	\$0.00	\$0.00	200,870	16,471.34	\$361,566.00
Prepare and maintain, for at least three years, a record of each used oil shipment exported to any foreign country	0.00	0.03	0.05	0.08	\$1.80	\$0.00	\$0.00	1,500	123.00	\$2,700.00
								<b>Subtotal</b>	<b>140,906.34</b>	<b>\$3,093,066.00</b>
								<b>TOTAL</b>	<b>335,387.61</b>	<b>\$18,360,979.18</b>

**(a4) Labels**

This ICR element does not impose incremental burden because the exact wording of the information to be disclosed is provided in the regulations.

**(a5) Tracking**

Used oil transporters and transfer facilities must keep records of each used oil shipment accepted for transport and each used oil shipment delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility for at least three years. EPA estimates that each of the 379 transporters and transfer facilities will accept 4,000 used oil shipments each year from generators, collection centers, aggregation points, and processors/re-refiners. EPA also estimates that each of the 379 transporters and transfer facilities will deliver 530 used oil shipments each year. In addition, EPA estimates that roughly 1,500 shipments will be exported from the U.S. annually.

**(b) Used Oil Processors and Re-Refiners****(b1) Reading the Regulations**

EPA expects that 150 used oil processors/re-refiners will read the part 279, subpart F regulations each year. This assumption is reflected in Exhibit 2.

**(b2) Arrangements with State and Local Authorities**

For purposes of this analysis, EPA assumes that no State or local authority will refuse to participate in an arrangement under 40 *CFR* 279.52. Thus, no processors/re-refiners will have to document a refusal in their operating record.

**(b3) Contingency Plan**

EPA assumes that existing used oil processors/re-refiners have already developed and submitted their contingency plans to the appropriate State and local authorities. Thus, EPA estimates that only new used oil processors/re-refiners will have to conduct this activity.

EPA also assumes that one percent of all used oil processors/re-refiners (i.e.,  $0.01 \times 150 = 2$ ) will need to revise their contingency plan each year.

Exhibit 2

Used Oil Management Standards

Estimated Respondent Hour and Cost Burden

	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$37.30/Hr	Technical @ \$29.38/Hr	Clerical @ \$19.53/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>INFORMATION COLLECTION ACTIVITY</b>										
<b>Used Oil Processors and Re-Refiners</b>										
<b>Reading the Regulations</b>										
Read the regulations	6.67	6.83	0.00	13.50	\$449.46	\$0.00	\$0.00	150	2,025.00	\$67,419.00
<b>Arrangements with State and Local Authorities (§279.52(a)(6))</b>										
Document in the operating record any case in which a State or local authority declines to enter into an arrangement	0.25	1.00	0.50	1.75	\$48.47	\$0.00	\$0.00	0	0.00	\$0.00
<b>Contingency Plan (§279.52(b)(1)-(4))</b>										
Collect the information necessary to develop the contingency plan	0.00	4.00	0.00	4.00	\$117.52	\$0.00	\$0.00	2	8.00	\$235.04
Develop and maintain the contingency plan	0.50	10.00	0.00	10.50	\$312.45	\$0.00	\$0.00	2	21.00	\$624.90
Submit a copy of the contingency plan to all State and local authorities that may be called upon to provide emergency services	0.00	0.00	0.25	0.25	\$4.88	\$0.00	\$3.95	2	0.50	\$17.66
Review and amend the contingency plan, as necessary	2.60	3.20	0.70	6.50	\$204.67	\$0.00	\$0.00	2	13.00	\$409.34
								<b>Subtotal</b>	<b>42.50</b>	<b>\$1,286.94</b>
<b>Emergency Procedures (§279.52(b)(6))</b>										
Notify the appropriate State and local agencies of an imminent or actual emergency situation	0.25	0.00	0.00	0.25	\$9.33	\$0.00	\$0.00	2	0.50	\$18.66
Collect information necessary for an emergency report	0.00	1.00	0.00	1.00	\$29.38	\$0.00	\$0.00	2	2.00	\$58.76
Notify the appropriate local authorities, if the hazards assessment indicates that evacuation of local areas may be advisable	0.25	0.00	0.00	0.25	\$9.33	\$0.00	\$0.00	2	0.50	\$18.66
Submit an emergency report to either the OSC or the NRC	0.25	0.00	0.00	0.25	\$9.33	\$0.00	\$0.00	2	0.50	\$18.66
Compile information that demonstrates that the facility is in compliance with §§279.52(b)(6)(viii)(A) and (B)	0.00	1.00	0.00	1.00	\$29.38	\$0.00	\$0.00	2	2.00	\$58.76
Prepare and submit notification demonstrating compliance to EPA and local authorities	0.25	1.00	0.00	1.25	\$38.71	\$0.00	\$0.37	2	2.50	\$78.16
Note in the operating record the time, date, and details of the emergency incident	0.00	0.50	0.00	0.50	\$14.69	\$0.00	\$0.00	2	1.00	\$29.38
Collect information required in the written report on the emergency incident	0.00	1.00	0.50	1.50	\$39.15	\$0.00	\$0.00	2	3.00	\$78.30
Prepare and submit to EPA the written report on the emergency incident, within 15 days after the emergency incident	0.25	4.00	0.50	4.75	\$136.61	\$0.00	\$3.95	2	9.50	\$281.12
								<b>Subtotal</b>	<b>21.50</b>	<b>\$640.46</b>

Exhibit 2 (continued)

Used Oil Management Standards

Estimated Respondent Hour and Cost Burden

	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$37.30/Hr	Technical @ \$29.38/Hr	Clerical @ \$19.53/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>INFORMATION COLLECTION ACTIVITY</b>										
<b>Used Oil Processors and Re-Refiners</b>										
<b>Closure of Aboveground Tanks (§279.54(h)(1)(ii))</b>										
Prepare and submit to EPA a demonstration demonstrating that not all contaminated soils can be practicably removed or decontaminated as required by §279.54(h)(1)(i), if applicable	2.00	40.00	0.50	42.50	\$1,259.57	\$0.00	\$3.95	1	42.50	\$1,263.52
<b>Analysis Plan (§279.55)</b>										
Develop a written analysis plan describing the procedures that will be used to comply with the analysis requirements of §279.53 and, if applicable, §279.72	0.25	4.00	0.00	4.25	\$126.85	\$0.00	\$0.00	2	8.50	\$253.70
Follow the analysis plan	2.38	1.40	1.90	5.68	\$167.01	\$0.00	\$0.00	150	852.00	\$25,051.50
Maintain the analysis plan at the facility	0.00	0.00	0.02	0.02	\$0.39	\$0.00	\$0.00	150	3.00	\$58.50
								<b>Subtotal</b>	<b>863.50</b>	<b>\$25,363.70</b>
<b>Tracking (§279.56)</b>										
Prepare and maintain, for at least three year, a record of each used oil shipment accepted for processing/re-refining	0.00	0.03	0.06	0.09	\$2.05	\$0.00	\$0.00	187,350	16,861.50	\$384,067.50
Prepare and maintain, for at least three years, a record of each used oil shipment that is shipped to a used oil burner, processor/re-refiner, or disposal facility	0.00	0.03	0.06	0.09	\$2.05	\$0.00	\$0.00	300,000	27,000.00	\$615,000.00
								<b>Subtotal</b>	<b>43,861.50</b>	<b>\$999,067.50</b>
<b>Operating Record (§279.57(a))</b>										
As information becomes available, record in the operating record the results of used oil analyses performed as described in the analysis plan required under §279.55 and summary reports and details of all emergency incidents as specified in §279.52(b)	40.25	0.00	30.65	70.90	\$2,099.92	\$0.00	\$0.00	150	10,635.00	\$314,988.00
<b>Reporting (§279.57(b))</b>										
Prepare and submit to EPA a biennial report (by March 1 of each even numbered year) concerning used oil activities during the previous calendar year	1.35	0.88	2.80	5.03	\$130.89	\$0.00	\$3.95	100	503.00	\$13,484.00
								<b>TOTAL</b>	<b>57,994.50</b>	<b>\$1,423,513.12</b>

**(b4) Emergency Procedures**

EPA estimates that, each year, one percent of all used oil processors/re-refiners (i.e.,  $0.01 \times 150 = 2$ ) will experience an emergency situation. These processors/re-refiners will need to comply with the emergency procedures in section 279.52(b)(6), e.g., collect information required for an emergency report, notify the appropriate emergency response agencies, submit a written report on the emergency incident to EPA.

**(b5) Rebuttable Presumption for Used Oil**

Refer to the subsection of this ICR “Analysis Plan” for the burden associated with all analyses, including the tests required by 40 *CFR* 279.53 and 279.72. Refer to the subsection “Operating Record” for the recordkeeping burden associated with these analyses.

**(b6) Labels**

This ICR element does not impose incremental burden because the exact wording of the information to be disclosed is provided in the regulations.

**(b7) Closure of Aboveground Tanks**

EPA estimates that, each year, 0.05 percent of all used oil processors/re-refiners will not be able to remove or decontaminate used oil residues in contaminated tanks, containment system components, soils, and other equipment, and manage them as hazardous waste upon closure of a tank system. Thus, EPA estimates that one used oil processor/re-refiner (i.e.,  $0.005 \times 150 = 1$ ) will prepare and submit a demonstration to EPA demonstrating that not all contaminated soils can be practicably removed or decontaminated as required by section 279.54(h)(1)(i).

**(b8) Analysis Plan**

EPA assumes that existing used oil processors/re-refiners have already developed a written analysis plan. Thus, EPA estimates that only the two new used oil processors/re-refiners will have to conduct this activity.

EPA also assumes that all used oil processors/re-refiners will need to follow the analysis plan each year in complying with 40 *CFR* 279.53 and 279.72, if applicable. These used oil processors/re-refiners also will need to maintain the analysis plan at the facility.

**(b9) Tracking**

Used oil processor/re-refiners must keep records of each used oil shipment accepted for processing/re-refining and each used oil shipment shipped to a used oil burner, processor/re-refiner, or disposal facility for at least three years. EPA estimates that each of the 150



processors/re-refiners will accept 1,249 used oil shipments each year. EPA also estimates that each of the 150 processors/re-refiners will ship 2,000 used oil shipments each year.

**(b10) Operating Record**

EPA estimates that all processors/re-refiners will record, in their operating record, the results of used oil analysis, summary reports, and details of all emergency incidents.

**(b11) Reporting**

EPA estimates that all processors/re-refiners will submit to EPA a biennial report describing the used oil activities undertaken at their facilities. EPA assumes that these processors/re-refiners will prepare and submit their biennial reports twice during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this biennial activity by multiplying the number of respondents by two-thirds. Thus, EPA estimates that 100 processors/re-refiners (i.e., 150 processors/re-refiners x 2/3 = 100) on average will prepare and submit the biennial report each year.

**(c) Used Oil Burners Who Burn Off-Specification Used Oil**

**(c1) Reading the Regulations**

EPA expects that 750 used oil burners will read the part 279, subpart G regulations each year. This assumption is reflected in Exhibit 3.

**(c2) Rebuttable Presumption for Used Oil**

EPA assumes that burners will rely on information provided by processors/re-refiners to determine the halogen content of the used oil. EPA also assumes that burners will keep records of the information provided by processors/re-refiners for at least three years.

**(c3) Labels**

This ICR element does not impose incremental burden because the exact wording of the information to be disclosed is provided in the regulations.

**(c4) Tracking**

Used oil burners must keep records of each used oil shipment accepted for burning for at least three years. EPA estimates that each of the 750 burners will accept 18 used oil shipments each year.

Exhibit 3

Used Oil Management Standards

Estimated Respondent Hour and Cost Burden

INFORMATION COLLECTION ACTIVITY	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$42.17/Hr	Technical @ \$32.31/Hr	Clerical @ \$14.66/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery</b>										
<b>Reading the Regulations</b>										
Read the regulations	0.00	13.00	0.00	13.00	\$420.03	\$0.00	\$0.00	750	9,750.00	\$315,022.50
<b>Rebuttable Presumption for Used Oil (\$279.63)</b>										
Determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm	0.00	0.10	0.00	0.10	\$3.23	\$0.00	\$5.70	0	0.00	\$0.00
If the used oil contains greater than or equal to 1,000 ppm total halogens, rebut the hazardous waste presumption by demonstrating that the used oil does not contain hazardous waste, if desired	1.50	8.00	0.50	10.00	\$329.07	\$0.00	\$0.00	0	0.00	\$0.00
Maintain records of analyses conducted or information used to demonstrate compliance with the rebuttable presumption for used oil for at least three years	0.00	0.00	0.02	0.02	\$0.29	\$0.00	\$0.00	750	15.00	\$217.50
								<b>Subtotal</b>	15.00	\$217.50
<b>Tracking (\$279.65)</b>										
Prepare and maintain, for at least three year, a record of each used oil shipment accepted for burning	0.03	0.08	0.03	0.14	\$4.29	\$0.00	\$0.00	13,500	1,890.00	\$57,915.00
<b>Notices (\$279.66(a))</b>										
Provide a one-time written and signed certification to each generator, transporter, or processor/refiner who ships used oil to the burner	0.10	0.00	0.00	0.10	\$4.22	\$0.00	\$0.37	750	75.00	\$3,442.50
Maintain the certification for three years after the date the burner last receives a used oil shipment from that generator, transporter, or processor/re-refiner	0.82	0.00	0.01	0.83	\$34.73	\$0.00	\$0.00	750	622.50	\$26,047.50
								<b>Subtotal</b>	697.50	\$29,490.00
								<b>TOTAL</b>	<b>12,352.50</b>	<b>\$402,645.00</b>

**(c5) Notices**

EPA estimates that each of the 750 used oil burners will have one new customer each year. These burners are required to provide a one-time written and signed certification to each of their customers. Burners are also required to maintain each certification for three years after the date the burner last receives a used oil shipment from a customer.

**(d) Used Oil Fuel Marketers**

**(d1) Reading the Regulations**

EPA expects that 340 used oil fuel marketers will read the part 279, subpart H regulations each year. This assumption is reflected in Exhibit 4.

**(d2) Analysis of On-specification Used Oil Fuel**

EPA estimates that all 340 used oil fuel marketers will perform used oil analyses to demonstrate that the used oil fuel meets the specifications under section 279.11. These used oil fuel marketers also are required to maintain copies of analyses or other information used to make the on-specification used oil fuel determination for three years.

**(d3) Tracking**

Under sections 279.74(a) and (b), used oil fuel marketers must keep records of each shipment of off-specification used oil shipped to a burner and each shipment of on-specification used oil shipped to a facility for at least three years.

EPA believes that no used oil fuel marketer will incur additional burden under sections 279.74(a) and (b) because they have already fulfilled these requirements when acting as used oil transporters and transfer facilities or processors/re-refiners.

**(d4) Notices**

EPA estimates that each of the 340 used oil fuel marketers will have obtain a one-time written and signed certification from a burner. Used oil fuel marketers are required to maintain each certification for three years from the date the last shipment of off-specification used oil shipped to the burner.

Exhibit 4

Used Oil Management Standards

Estimated Respondent Hour and Cost Burden

INFORMATION COLLECTION ACTIVITY	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$37.30/Hr	Technical @ \$28.95/Hr	Clerical @ \$18.66/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>Used Oil Fuel Marketers</b>										
<b>Reading the Regulations</b>										
Read the regulations	0.25	0.50	0.00	0.75	\$23.80	\$0.00	\$0.00	340	255.00	\$8,092.00
<b>Analysis of On-Specification Used Oil Fuel (§279.72(a))</b>										
Perform used oil analyses or obtain copies of analyses or other information documenting that the used oil fuel meets the specifications under §279.11.	3.20	78.50	73.23	154.93	\$3,758.41	\$0.00	\$5.70	340	52,676.20	\$1,279,797.40
Retain copies of analyses or other information used to make the on-specification used oil fuel determination for three years	0.00	0.00	0.02	0.02	\$0.37	\$0.00	\$0.00	340	6.80	\$125.80
								<b>Subtotal</b>	<b>52,683.00</b>	<b>\$1,279,923.20</b>
<b>Tracking (§279.74(a)-(b))</b>										
Prepare and maintain, for at least three years, a record of each shipment of off-specification used oil fuel shipped to a burner	0.00	0.03	0.06	0.09	\$1.99	\$0.00	\$0.00	0	0.00	\$0.00
Prepare and maintain, for at least three years, a record of each shipment of on-specification used oil fuel shipped to an on-specification used oil burner	0.00	0.03	0.06	0.09	\$1.99	\$0.00	\$0.00	0	0.00	\$0.00
								<b>Subtotal</b>	<b>0.00</b>	<b>\$0.00</b>
<b>Notices (§279.75(a))</b>										
Obtain a one-time written and signed certification from the burner	0.00	0.24	4.48	4.72	\$90.54	\$0.00	\$0.00	340	1,604.80	\$30,783.60
Maintain the certification for three years from the date the last shipment of off-specification used oil is shipped to the burner	0.00	0.00	0.02	0.02	\$0.37	\$0.00	\$0.00	340	6.80	\$125.80
								<b>Subtotal</b>	<b>1,611.60</b>	<b>\$30,909.40</b>
								<b>TOTAL</b>	<b>54,549.60</b>	<b>\$1,318,924.60</b>

**(e) State Programs**

For purposes of this ICR, EPA assumes that no State program will submit a petition to EPA to allow the use of used oil as a dust suppressant during the three-year period covered in this ICR. This assumption is reflected in Exhibit 5.

**6(e) Bottom Line Hour and Cost Burden**

**(1) Respondent Tally**

Exhibit 6 shows the aggregate annual hour and cost burden to respondents. As shown in the exhibit, EPA estimates the annual respondent burden to be 460,286 hours and \$21,506,062. The bottom line burden to respondents over three years is estimated to be 1,380,858 hours and \$64,518,186.

**(2) Agency Tally**

Exhibit 7 shows the annual Agency hour and cost burden associated with all the requirements covered in this ICR. As shown in this exhibit, EPA estimates the annual Agency burden to be 304 hours and \$9,717. The bottom line burden to the Agency over three years is estimated to be 912 hours and \$29,151.

**6(f) Reasons for Change in Burden**

In renewing this ICR, EPA has revised its universe estimates based on updated data from RCRAInfo and consultations with NORA. In particular, the number of burners and processors/re-refiners has changed substantially from the previous ICR (ICR Number 1286.05). During consultations, NORA indicated that the previous ICR's estimate of 100 used oil burners did not reflect the actual number of burners in the U.S. Rather, NORA believes there are closer to 750 used oil burners in operation. This increase in the number of used oil burners resulted in a modest increase in the burden in this ICR.

However, this burden increase was offset by a decrease in the number of used oil processors/re-refiners. Specifically, EPA has decreased the number of used oil processors/re-refiners from 249 to 150 based on consultations with NORA. NORA indicated that this decrease in the number of used oil processors/re-refiners has resulted from the consolidation of businesses in the used oil industry.

Because of the revisions described above, the total annual hourly burden to respondents has decreased from the previous ICR by 80,296 hours (from 540,582 hours/year to 460,286 hours/year).

Exhibit 5

Used Oil Management Standards

Estimated Respondent Hour and Cost Burden

INFORMATION COLLECTION ACTIVITY	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$37.42/Hr	Technical @ \$25.32/Hr	Clerical @ \$19.27/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>State Programs</b>										
<b>Reading the Regulations</b>										
Read the regulations	0.00	0.25	0.00	0.25	\$6.33	\$0.00	\$0.00	0	0.00	\$0.00
<b>State Petitions to Allow the Use of Used Oil as a Dust Suppressant (\$279.82(b))</b>										
Prepare and submit to EPA a petition to allow the use of used oil as a dust suppressant	3.00	16.00	1.00	20.00	\$536.65	\$0.00	\$3.95	0	0.00	\$0.00
								<b>TOTAL</b>	<b>0.00</b>	<b>\$0.00</b>

Exhibit 6

Used Oil Management Standards

Summary of Respondent Hour and Cost Burden<sup>a</sup>

Type of Respondent	Total Hours	Total Labor Costs	Total Capital Costs	Total O&M Costs	Total Costs
Used oil transporters and transfer facilities	335,388	\$8,352,309	\$0	\$10,008,670	\$18,360,979
Used oil processors and re-refiners	57,995	\$1,423,098	\$0	\$415	\$1,423,513
Used oil burners who burn off-specification used oil for energy recovery	12,353	\$402,368	\$0	\$278	\$402,645
Used oil fuel marketers	54,550	\$1,316,987	\$0	\$1,938	\$1,318,925
State programs	0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>460,286</b>	<b>\$11,494,762</b>	<b>\$0</b>	<b>\$10,011,301</b>	<b>\$21,506,062</b>

<sup>a</sup> Table contains rounding error.

Exhibit 7  
 Used Oil Management Standards  
 Estimated Annual Agency Hour and Cost Burden

INFORMATION COLLECTION ACTIVITY	Hours and Cost per Respondent							Total Hours and Costs		
	Managerial @ \$45.55/Hr	Technical @ \$31.95/Hr	Clerical @ \$19.42/Hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/Year	Total Costs/Year
<b>Used Oil Transporters and Transfer Facilities</b>										
<b>Rebuttable Presumption for Used Oil (§279.44)</b>										
Review demonstration	0.00	4.00	0.00	4.00	\$127.80	\$0.00	\$0.00	0	0.00	\$0.00
Enter information into database	0.00	0.00	0.10	0.10	\$1.94	\$0.00	\$0.00	0	0.00	\$0.00
								<b>Subtotal</b>	0.00	\$0.00
<b>Used Oil Processors and Re-Refiners</b>										
<b>Emergency Procedures (§279.52(b)(6))</b>										
Review information in notification letter	0.10	0.40	0.00	0.50	\$17.34	\$0.00	\$0.00	2	1.00	\$34.68
Review information in written report on emergency incident	0.00	1.00	0.00	1.00	\$31.95	\$0.00	\$0.00	2	2.00	\$63.90
<b>Rebuttable Presumption for Used Oil (§279.53)</b>										
Review demonstration	0.00	4.00	0.00	4.00	\$127.80	\$0.00	\$0.00	0	0.00	\$0.00
Enter information into database	0.00	0.00	0.10	0.10	\$1.94	\$0.00	\$0.00	0	0.00	\$0.00
<b>Closure of Aboveground Tanks (§279.54(h)(1)(ii))</b>										
Review information demonstrating that not all contaminated soils can be practicable removed or decontaminated as required by section 249.54(h)(1)(i)	0.00	1.00	0.00	1.00	\$31.95	\$0.00	\$0.00	1	1.00	\$31.95
Enter information into database	0.00	0.00	0.10	0.10	\$1.94	\$0.00	\$0.00	1	0.10	\$1.94
<b>Reporting (§279.57(b))</b>										
Review biennial report concerning used oil activities conducted at processing/re-refining facility	0.00	3.00	0.00	3.00	\$95.85	\$0.00	\$0.00	100	300.00	\$9,585.00
								<b>Subtotal</b>	304.10	\$9,717.47
<b>Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery</b>										
<b>Rebuttable Presumption for Used Oil (§279.63)</b>										
Review demonstration	0.00	4.00	0.00	4.00	\$127.80	\$0.00	\$0.00	0	0.00	\$0.00
Enter information into database	0.00	0.00	0.10	0.10	\$1.94	\$0.00	\$0.00	0	0.00	\$0.00
								<b>Subtotal</b>	0.00	\$0.00
<b>State Programs</b>										
<b>State Petitions to Allow the Use of Used Oil as a Dust Suppressant (§279.82(b))</b>										
Review and approve/deny petition submitted by State program	0.50	3.00	0.50	4.00	\$128.34	\$0.00	\$0.00	0	0.00	\$0.00
								<b>TOTAL</b>	<b>304.10</b>	<b>\$9,717.47</b>



## 6(g) Burden Statement

For used oil transporters and transfer facilities, the burden related to reading the regulations is four hours per year. The number of hours required to perform halogen tests on an annual basis is 463. The total tracking burden for preparing records of each used oil shipment accepted, delivered, or exported is 363 hours per year. Also, filing and maintaining records requires 55 hours per year.<sup>12</sup> This results in a total of 885 hours per respondent per year.

For used oil processors/re-refiners, reading the regulations requires 14 hours per year, while the contingency and emergency plan requirements impose a burden of 32 hours per year.<sup>13</sup> Following and maintaining the analysis plan at the facility represents an annual burden of six hours. The total tracking burden for preparing records of each used oil shipment accepted or delivered is 292 hours per year.<sup>14</sup> The biennial report takes five hours to complete and submit.<sup>15</sup> Also, recording information in the operating record requires 71 hours per year. All these burdens together total to 420 hours per respondent per year.

For burners of off-specification used oil, reading the regulations imposes a burden of 13 hours per year. The burden of tracking the off-specification used oil to be burned for energy recovery is 1.8 hours per year, and it takes six minutes to notify marketers that the facility is EPA approved for that purpose. Adding that recordkeeping requires 1.55 hours per year, the total comes to 16.45 hours per year.

For used oil fuel marketers, reading the regulations imposes a burden of 0.75 hour per year. The burden related to performing demonstrations or obtaining proof that used oil is on-specification requires 155 hours per year. Obtaining certification from EPA approved burners takes five hours per year. The total burden for a marketer averages 161 per year.

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<sup>12</sup> Note that the recordkeeping burden estimate of 55 hours includes time for maintaining records of used oil analyses (46 hours) and records of each shipment accepted, delivered, or exported (9 hours).

<sup>13</sup> Note that this ICR estimates that, each year, only one percent of used oil processors/re-refiners (i.e., two used oil processors/re-refiners) will need to prepare or revise a contingency plan and/or comply with the emergency procedures in section 279.52(b)(6).

<sup>14</sup> Note that, in the previous ICR (ICR Number 1286.05), EPA assumed that each used oil processors/re-refiner would accept 530 used oil shipments each year. EPA also assumed that each used oil processor/re-refiner would ship 4,000 used oil shipments each year. In renewing this ICR, EPA noticed that these assumptions were inconsistent with other related assumptions in the ICR. As such, EPA resolved these inconsistencies by assuming that each processor/re-refiner will accept 1,249 used oil shipments and will ship 2,000 used oil shipments each year.

<sup>15</sup> This ICR estimates that used oil processors/re-refiners will submit the biennial report twice over the three-year period covered by the ICR. Thus, the annual burden associated with this biennial reporting requirement is 3.33 hours (i.e., (5 hours x 2)/3 years = 3.33 hours/year).

For State programs, there is no reporting or recordkeeping burden.

Burden means the total time, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the resources needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 *CFR* part 9 and 48 *CFR* Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.