

NMED Used Oil Penalty Guide

Index	Status	Focus Area	Rule Cite	Potential for Harm	Extent of Deviation	Significantly Detrimental	Review for Economic Benefit	Violation Description
2	ALL	General	279.12(b)	PH Ranking System	Major		x	Used oil shall not be used for road oiling, dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.
3	Generator	General	279.23	PH Ranking System	Moderate			Generators may burn used oil in used oil-fired space heaters provided that: that the generators only used oil generated by the owner or operator or used oil received from household do-it-yourself used oil generators; the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and the combustion gases from the heater are vented to the ambient air.
4	UOT UOP UOB UOTF UOMKT	Notification	279.42(a) 279.62(a) 279.51(a) 279.73(a)	PH Ranking System	Major		x	Used oil transporters/ processors and re-refiners/ burners/ fuel marketers who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain a EPA Identification number.
5	UOT UOP UOB UOTF UOMKT	Record Keeping	279.46/ 279.56/ 279.65	PH Ranking System	Major			Used oil transporters/ processors/ burners must keep a record of each used oil shipment accepted for transport/ processing/ burning. (No Records)
6	UOT UOP UOB UOTF UOMKT	Record Keeping	279.46/ 279.56/ 279.65	PH Ranking System	Moderate			Used oil transporters/ processors/ burners must keep a record of each used oil shipment accepted for transport/ processing/ burning. (Records are incomplete)
7	All	Record Keeping	279.72(b)	PH Ranking System	Major			A generator, transporter, processor/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 279.11, must keep copies of analyses of the used oil (or other information used to make the determination) for three years.
8	UOMKT	Record Keeping	279.74	PH Ranking System	Moderate			Used oil marketers must keep a record of each off-specification used oil shipment to used oil burners. (No Records)
9	UOMKT	Record Keeping	279.74	PH Ranking System	Minor			Used oil marketers must keep a record of each off-specification used oil shipment to used oil burners. (Records are incomplete)
10	All	Record Keeping	279.46(d)/ 279.56(c)/ 279.65(b)/ 279.74(c)	Minor	Minor			The records... must be maintained for three (3) years
11	Burner	Record Keeping	279.66(a)	Minor	Minor			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 notice certifying that (1) the burner has notified EPA stating the location and general description of his used oil management activities; and (2) the burner will burn the used oil only in an industrial furnace or boiler identified in 279.61(a).
12	Generator	Transport	279.24(a)	PH Ranking System	Major			Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that: (1)The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator. (2)The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized by the state/county/municipal government to manage used oil. (Transported to a facility that is not a UOCC with a potential or actual discharge)
13	Generator	Transport	279.24(a)	PH Ranking System	Moderate			Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that: (1)The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator. (2)The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized by the state/county/municipal government to manage used oil. (Transported to a facility that is not a UOCC but is managed properly)
14	Generator	Transport	279.24(a)	PH Ranking System	Minor			Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that: (1)The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator. (2)The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized by the state/county/municipal government to manage used oil. (Transported to UOCC)
15	Generator	Transport	279.24(b)	PH Ranking System	Major			Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that: (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; (2) The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator. (Aggregation point not owned/operated by the generator with a potential or actual discharge)
16	Generator	Transport	279.24(b)	PH Ranking System	Moderate			Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that: (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; (2) The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator. (Aggregation point no owned/operated by generator but is managed properly)
17	Generator	Transport	279.24(b)	PH Ranking System	Minor			Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that: (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; (2) The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator. (Transported to an aggregation point owned by generator)
18	Generator	Transport	279.24	Major	Major			Generators must ensure that their used oil is transported only by transporters who have obtained EPA identification #.
19	Transporter	Discharge	279.43(c)(1)	PH Ranking System	Major	x		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). (No response action)
20	Transporter	Discharge	279.43(c)(1)	PH Ranking System	Moderate			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). (Inadequate or untimely response action)
21	Transporter	Residue Management	279.47	Use 262.11 Ranking System	Use 262.11 Ranking System			Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in §279.10(e).

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22	UOP/Transfer	Secondary Containment	279.45(d), 279.45(e) & 279.45(f)/ 279.54(c), 279.54(d) & 279.54(e)/ 279.64(c), 279.64(d) & 279.64(e)	PH Ranking System	Major			Containers, existing and new aboveground tanks used to store oil at transfer / processor and re-refining / burner facilities must be equipped with a secondary containment system.
23	UOP	Processing	279.52(a)(2)	PH Ranking System	Major			All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in paragraphs (a)(2)(i) through (iv) of this section: (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel; (ii) A device, such as a telephone (immediately available at the scene of the operations) or a hand-held two way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams; (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and (iv) water of adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems. (No equipment)
24	UOP	Processing	279.52(a)(2)	PH Ranking System	Moderate			All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in paragraphs (a)(2)(i) through (iv) of this section: (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel; (ii) A device, such as a telephone (immediately available at the scene of the operations) or a hand-held two way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams; (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and (iv) water of adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems. (Inadequate equipment)
25	UOP	Processing	279.52(a)(6)	Minor	Major			The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. (No arrangements)
26	UOP	Processing	279.52(a)(6)	Minor	Minor			The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. (Incomplete arrangements)
27	UOP	Processing	279.52(b)	Major	Major			Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements (must have contingency plan meeting the following requirements) (1) Purpose and implementation of contingency plan (2) Content of contingency plan (3) Copies of contingency plan (4) Amendment of contingency plan (5) Emergency coordinator (6) Emergency procedures
2	UOP	Processing	279.52(b)(4)	Minor	Moderate			The contingency plan must be reviewed and immediately amended, if necessary, whenever: (i) Applicable regulations are revised; (ii) The plan fails in an emergency; (iii) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potentials for fires, explosions, or releases of used oil, or changes the response necessary in an emergency. (iv) The list of emergency coordinators changes; or (v) The list of emergency equipment changes.

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29	UOP	Processing	279.52(b)(6)	Major	Major			(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately: (A) Activate internal facility alarms or communications systems, where applicable, to notify all facility personnel; and (B) Notify appropriate State or local agencies with designated response roles if their help is needed. (ii) ...Immediately identify the character, exact source, amount, and real extent of any released materials...; (iii) ...Assess possible hazards to human health or the environment...; (iv) If facility has had a release...report findings as outlined in the rule... (v) ...Take all reasonable measures necessary to ensure that fires, explosions, and releases to not occur, recur, or spread to used oil or hazardous waste at the facility... (vi) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, whenever this is appropriate. (vii) Immediately after an emergency...provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility; (viii) The emergency coordinator must ensure that, in the affected area(s) of the facility: (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed; (C) Owner or operator must notify the Regional Administrator, and appropriate State and local authorities that the facility is in compliance with paragraphs (b)(6)(viii)(A) and (B) of this section before operations are resumed in the affected area(s) of the facility. (ix) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. (Complete failure to implement)
30	UOP	Processing	279.52(b)(6)	Major	Moderate			(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately: (A) Activate internal facility alarms or communications systems, where applicable, to notify all facility personnel; and (B) Notify appropriate State or local agencies with designated response roles if their help is needed. (ii) ...Immediately identify the character, exact source, amount, and real extent of any released materials...; (iii) ...Assess possible hazards to human health or the environment...; (iv) If facility has had a release...report findings as outlined in the rule... (v) ...Take all reasonable measures necessary to ensure that fires, explosions, and releases to not occur, recur, or spread to used oil or hazardous waste at the facility... (vi) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, whenever this is appropriate. (vii) Immediately after an emergency...provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility; (viii) The emergency coordinator must ensure that, in the affected area(s) of the facility: (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed; (C) Owner or operator must notify the Regional Administrator, and appropriate State and local authorities that the facility is in compliance with paragraphs (b)(6)(viii)(A) and (B) of this section before operations are resumed in the affected area(s) of the facility. (ix) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. (Inadequate implementation)
31	UOP	Processing	279.52(a)(1)	PH Ranking System	Major			Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
32	UOP	Processing	279.52(a)(5)	PH Ranking System	Moderate			The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes. (Inadequate secondary containment)
33	UOP	Processing	279.52(a)(5)	PH Ranking System	Minor			The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes. (Secondary Containment)
34	UOP	Processing	279.55	PH Ranking System	Major			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 of § 279.53 and, if applicable, § 279.72. The owner or operator must keep the plan at the facility. (The processor has not developed a plan)
35	UOP	Processing	279.55	PH Ranking System	Moderate			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 of § 279.53 and, if applicable, § 279.72. The owner or operator must keep the plan at the facility. (Plan incomplete or not following the plan)
36	Generator/Transporter/Transfer Facility/ Processor/ Burner	Emergency Procedures	279.22(d)/ 279.43(c)/ 279.45(h)/ 279.52/ 279.64(g)	PH Ranking System	Major			Upon detection of a release of used oil to the environment that is not subject to the requirements of Part 280, Subpart F of this Chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a generator must perform the following cleanup steps: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any other materials; and 4. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. (No cleanup)

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37	Generator/Transporter/Transfer Facility/ Processor/ Burner	Emergency Procedures	279.22(d)/ 279.43(c)/ 279.45(h)/ 279.52/ 279.64(g)	PH Ranking System	Moderate			Upon detection of a release of used oil to the environment that is not subject to the requirements of Part 280, Subpart F of this Chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a generator must perform the following cleanup steps: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any other materials; and 4. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. (Inadequate cleanup)
38	Generator/Transporter/Transfer Facility/ Processor/ Burner	Emergency Procedures	279.22(d)/ 279.43(c)/ 279.45(h)/ 279.52/ 279.64(g)	PH Ranking System	Minor			Upon detection of a release of used oil to the environment that is not subject to the requirements of Part 280, Subpart F of this Chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a generator must perform the following cleanup steps: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any other materials; and 4. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. (Deminus or leaks)
39	Generator/Transporter/Transfer Facility/ Processor/ Burner	Unit Management	279.22(c)(1)/ 279.45(g)(1)/ 279.54(f)(1)/ 279.64(f)(1)/ 20.4.1.1003(A) NMAC	PH Ranking System	Major			Containers and aboveground tanks used to store used oil at generator/transfer/processing and re-refining facilities/burner facilities must be labeled or marked clearly with the words "Used Oil." NMAC: used oil generators may use other words the accurately identify the used oil for example "waste oil" or "oil for recycling"
40	Generator/Transporter/Transfer Facility/ Processor/ Burner	Unit Management	279.22(c)(2)/ 279.45(g)(2)/ 279.54(f)(2)/ 279.64(f)(2)	PH Ranking System	Major			Fill pipes used to transfer oil into underground storage tanks at generator/transfer/processing and re-refining facilities/burner facilities must be labeled or marked clearly with the words "Used Oil."
41	Generator/Transporter/Transfer Facility/ Processor/ Burner	Unit Management	20.4.1.1002(B)(1) NMAC	PH Ranking System	Major			Containers and above ground storage tanks storing used oil outdoors must be closed, except when it is necessary to add or remove used oil.
42	GEN	Unit Management	279.22(b)/ 279.45(c)/ 279.54(b)/ 279.64(b)	PH Ranking System	Major			Containers and aboveground tanks used to store used oil at generator / transfer facilities must be: (1) In good condition (no severe rusting, apparent structural defects or deterioration); and (2) Not leaking (no visible leaks)
43	UOT/UOP/BF	Unit Management	279.45(b)/ 279.54(a)/ 279.64(a)	PH Ranking System	Major			Owners or operators of used oil transfer / processor or re-refiner / burner facilities may not store used oil in units other than tanks, containers, or units subject to regulation under parts 264 or 265 of this chapter.
44	Marketer	Transport	279.71	PH Ranking System	Major			A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who: (a) Has an EPA identification number; and (b) Burns the used oil in an industrial furnace or boiler identified in §279.61(a)
45	Burner	General	279.61(a)-(b)	Major	Major			(a) Off-specification used oil fuel may be burned for energy recovery in only the following devices: (1) Industrial furnaces identified in §260.10 of this chapter; (2) Boilers, as defined in §260.10 of this chapter, that are identified as follows: (i) Industrial boilers (ii) Utility boilers (iii) Used oil fired space heaters (3) Hazardous waste incinerators (b)(1) With the following exception, used oil burners may not process used oil unless they also comply with the requirements of subpart F of this part. (2) Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.
46	Burner	General	279.59/ 279.67	Use 262.11 Ranking System	Use 262.11 Ranking System			Owners and operators / burners who generate residues from the storage, processing, or re-refining / burning of used oil must manage the residues as specified in §279.10(e).
47	ALL	Rebuttal Presumption	279.44(a)/ 279.53(a)/ 279.63(a)	PH Ranking System	Major			To ensure that used oil is not a hazardous waste under the rebuttable presumption of §279.10(b)(1)(ii), the used oil transporter / processing / re-refining / burner facility 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.