

## Rule Interpretation Summary Form

Code Number	335-6.001 330-8.001
Rule/Regulation Citation(s):	<p style="text-align: center;">Federal Rule: <u>  </u> State Regulation: <u>  X  </u></p> <p><u>30 TAC 335.6(c)</u>: “Any person who generates ..... greater than 100 kilograms in any calendar month of industrial Class 1 waste shall notify the executive director of such activity.....”</p> <p><u>30 TAC 335.6(j)</u>: “Notification and regulation requirements on nonhazardous used oil, oil made characteristically hazardous by use (instead of mixing), CESQG hazardous used oil, and household used oil after collection that will be recycled are found in Chapter 324 of this title (relating to Used Oil).”</p> <p><u>30 TAC 330.2(60) and 335.1(71)</u>: “Industrial solid waste – Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.....”</p> <p><u>30 TAC 330.2(78) and 335.1(92)</u>: “Municipal solid waste – Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities; including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial waste.”</p>
Description:	Notification requirements for waste generated by used oil processors and used oil transfer facilities
Interpretation Request:	
Is nonhazardous waste generated by used oil transfer facilities and processors subject to industrial determination and notification under 30 TAC 335.6(c)?	
Determination:	
<p>40 CFR 279.10(e)(3) states that materials derived from used oil that are disposed or used in a manner constituting disposal are (1) not subject to the used oil regulations and (2) are solid wastes. Using the definitions in the applicable rules and the guidance document “Is Your Facility an Industrial Facility?” WRIT has determined that used oil transfer facilities are municipal facilities and used oil processors are industrial facilities. Because used oil transfer facilities do not make a product or change materials by processing them, they are municipal facilities. Because used oil processors do make a product, they are industrial facilities. Notification and regulation requirements for nonhazardous used oil that will be recycled are in Chapter 324 of this title (relating to Used Oil). The wastes generated from processing or recycling oil are subject to Chapter 335 while the oil itself is subject to Chapter 324. Therefore, used oil processors must classify their wastes and make appropriate notifications in accordance with 30 TAC §335.6 Used oil transfer facilities which generate and store waste must notify the agency of such activities in accordance with 30 TAC §330.8.</p>	

**Background Information and Rationale:**

Registered used oil transfer facilities and processors may generate significant quantities of nonhazardous waste from phase separation of oil / water mixtures, oily rags, sludge, and petroleum contaminated soil resulting from leaks or spills. Used oil processors produce a product (fuel oil, lubricant, asphalt extender) thereby meeting one of the definitions of an industrial facility.

**Analysis of Impacts/Consequences of Determination:** If industrial determination is applicable to used oil transfer facilities and processors, those not currently registered as industrial generators will be required to comply with 30 TAC 335.6(c) notification requirements.

