

1. Self-Transportation of Used Oil by Service Contractors

*Used oil generators must ensure that all shipments of used oil in quantities greater than 55 gallons are transported off site only by transporters with EPA identification numbers. Generators may transport up to 55 gallons of used oil in their own vehicles (self-transport) without an EPA identification number, provided the used oil is either produced at the generator's site or collected from do-it-yourselfers, and provided the used oil is sent to an approved collection center or an aggregation point owned or operated by the generator (40 CFR Section 279.24). If a facility hires a contractor to come on site and service equipment containing used oil, provided the contractor complies with the requirements of Section 279.24, can the contractor self-transport the used oil generated from servicing the equipment without an EPA identification number?*

The contractor can self-transport up to 55 gallons of used oil to a collection center or an aggregation point without an EPA identification number because he also qualifies as the generator of that used oil. The definition of used oil generator includes "any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation" (Section 279.1). A contractor, therefore, that comes on site and services equipment containing used oil is a used oil generator, because the contractor's act of servicing and removing used oil from equipment first causes the used oil to be subject to regulation. As a generator, such a contractor may self-transport up to 55-gallons of used oil without an EPA identification number pursuant to Section 274.24.

This situation is analogous to the one described in the September 10, 1992, preamble discussion of used oil generated on ships in which the owner or operator of the ship or vessel and the person or persons removing or accepting the oil from the vessel are considered to be "co-generators" of the used oil (57 FR 41566; 41585). Similarly, both the owner or operator of the equipment and the person removing used oil from the equipment may be considered "co-generators" of the used oil, and both parties are responsible for managing the used oil in accordance with used oil generator standards of Part 279, Subpart C. The co-generators may decide which of the parties will fulfill the generator requirements. Either co-generator can self-transport the used oil under the provisions of Section 279.24 without an EPA identification number, provided no more than 55 gallons of used oil are transported at any one time, provided the used oil is transported in vehicles owned by the co-generator or owned by an employee of the co-generator, and provided the used oil is sent to an approved

collection center or to an aggregation point owned or operated by the co-generator who is self-transporting the used oil.