

**19-6-708 Registration and permit exemptions.**

- (1) The following persons are subject to Section 19-6-706, but are not subject to regulation as a registered or permitted site or facility under this part:
  - (a) generators of DIYer used oil; and
  - (b) farmers who generate in a calendar year an average of 25 gallons per month or less of used oil from vehicles or machinery used on the farm.
- (2) The following are subject to rules made by the board as necessary to obtain and maintain primacy of the state used oil program under 40 C.F.R. 279, Standards for the Management of Used Oil, but are not subject to any other provision of this part:
  - (a) mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this part once the used oil and diesel fuel have been mixed, but prior to mixing, the used oil is subject to this part;
  - (b) used oil transporters and used oil burners conducting incidental processing operations that occur during the normal course of used oil management prior to transportation or burning;
  - (c) on-specification or off-specification used oil, after it is delivered, as documented by manifest, to a burner authorized to operate by the board or this part and rules made under this part;
  - (d) used oil burners authorized by the board to burn on-specification or off-specification used oil;
  - (e) used oil placed directly into a crude oil or natural gas pipeline, after the used oil is introduced into the pipeline;
  - (f) used oil generated on vessels due to normal shipboard operations is not subject to this part until it is transported ashore;
  - (g) rerefining distillation bottoms used as feedstock to manufacture asphalt products;
  - (h) materials reclaimed from used oil, used beneficially, and not burned for energy recovery or used in a manner constituting disposal;
  - (i) materials derived from used oil that are disposed of or used in a manner constituting disposal, but are subject to regulation under this chapter if the materials are identified as hazardous waste;
  - (j) wastewater containing a de minimis amount of used oil, as defined in Subsection (3);
  - (k) used oil contaminated with polychlorinated biphenyls (PCBs), if it is subject to regulation under 40 CFR 761, Toxic Substances Control Act;
  - (l) used oils that are a hazardous waste under this chapter and may not be recycled; and
  - (m) used oils that are not hazardous waste under this chapter and cannot be recycled under this part.
- (3)
  - (a) As used in Subsection (2)(j), "de minimis quantities of used oil" means:
    - (i) small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations; or
    - (ii) small amounts of oil lost to the wastewater treatment system or unit during washing or draining operations.
  - (b) "De minimis quantities of used oil" does not include used oil discarded as a result of abnormal operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

Amended by Chapter 40, 1994 General Session