**Section 739.120 Applicability**

a) General. This Subpart C applies to all generators of used oil, except the following:

1) Household "Do-It-Yourselfer" Used Oil Generators. Household "do-it-yourselfer" used oil generators are not subject to regulation under this Part.

2) Vessels. Vessels at sea or at port are not subject to this Subpart C. For purposes of this Subpart C, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the persons removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this Subpart C once the used oil is transported ashore. The co-generators may decide among themselves which party will fulfill the requirements of this Subpart C.

3) Diesel Fuel. Mixtures of used oil and diesel fuel mixed 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. Prior to mixing, the used oil fuel is subject to the requirements of this Subpart C.

4) Farmers. Farmers who generate an average of 25 gallons (95 ℓ) per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this Part.

b) Other Applicable Provisions. A used oil generator that conducts any of the following activities is subject to the requirements of other applicable provisions, as indicated in subsections (b)(1) through (b)(5):

1) A generator that transports used oil, except under the self-transport provisions of Section 739.124(a) and (b), must also comply with Subpart E.

2) A Generator That Processes or Re-Refines Used Oil

A) Except as provided in subsection (b)(2)(B), a generator that processes or re-refines used oil must also comply with Subpart F.

B) A generator that performs the following activities is not a used oil processor, provided that the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:

i) Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator;

ii) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to section 402 or 307(b) for the federal Clean Water Act (33 USC 1317 or 1342), 40 CFR 403 through 499, or 35 Ill. Adm. Code 310 or 309, governing the discharge of wastewaters;

iii) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;

iv) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to Section 739.110(c); or

v) Filtering, separating, or otherwise reconditioning used oil before burning it in a space heater pursuant to Section 739.123.

3) A generator that burns off-specification used oil for energy recovery, except under the on-site space heater provisions of Section 739.123, must also comply with Subpart G.

4) A generator that directs shipments of off-specification used oil from their facility to a used oil burner or first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H.

5) A generator that disposes of used oil must also comply with Subpart I.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)