**Section 739.170 Applicability**

a) Any person that conducts either of the following activities is subject to the requirements of this Subpart H:

1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or

2) 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.

b) The following persons are not marketers subject to this Subpart H:

1) A used oil generator, or a transporter that transports used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from its facility to a used oil burner. However, a processor that burns some used oil fuel for purposes of processing is considered to be burning incidentally to processing. Thus, generator or transporter that directs shipments of off-specification used oil to a processor that incidentally burns used oil is not a marketer subject to this Subpart H;

2) A person that directs shipments of on-specification used oil and which is not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.

c) Any person subject to the requirements of this Subpart H must also comply with one of the following:

1) Subpart C − Standards for Used Oil Generators;

2) Subpart E − Standards for Used Oil Transporters and Transfer Facilities;

3) Subpart F − Standards for Used Oil Processors and Re-refiners; or

4) Subpart G − Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery.

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