

Cleanup and Closure (R31515- 11)

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UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY
**WASTE MANAGEMENT
& RADIATION CONTROL**

Cleanup and Closure

RR315-15-11

The owner or operator of a used oil collection, aggregation, transfer, processing/re-refining, or off-specification used oil burning facility shall remove all used oil and used oil residues from the site of operation and return the site to a post-operational land use in a manner that:

- (a) Minimizes the need for further maintenance;
- (b) Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of used oil, used oil constituents, leachate, contaminated run-off, or used oil decomposition products to the ground or surface waters, or to the atmosphere; and
- (c) Complies with the closure requirements of R315-15-11 or supplies evidence acceptable to the Director demonstrating a closure mechanism meeting the requirements of R315-264-140 through 151 and R315-265-140 through 150.

Closure Plan

A closure plan is a step by step plan for how a facility is to be closed so that the cleanup and closure described in the previous slide is accomplished. It is a binding document that becomes incorporated into a permit tied to used oil facility which is required to undergo closure after it ceases operations.

Who needs to submit a Closure Plan?

Who is required to submit a closure plan and undergo closure upon the termination of a permit?

Yes, must have a Closure Plan:

Used Oil Transfer Facilities

Used Oil Processors/Re-refiners

Off-specification Used Oil Burners

No Closure Plan required under used oil rules:

Used Oil Collection Centers (UOCCs)

Used Oil Marketers

Used Oil Transporters

Time Allowed to Initiate Closure

R315-15-11.3

(a) The owner or operator shall initiate closure in accordance with the approved cleanup and closure plan and notify the Director that closure has been initiated:

(1) Within 90 days after the owner or operator receives the final volume of used oil; or

(2) Within 90 days after the Director revokes the facility's used oil permit.

Certification of Closure

R315-15-11.4

(a) Within 60 days of completion of cleanup and closure, the owner or operator of a permitted used oil facility shall submit to the Director, by registered mail, a certification that the used oil facility has been cleaned and closed in accordance with the specifications in the approved cleanup and closure plan. The certification shall be signed by the owner or operator and by an independent, Utah-registered professional engineer.

(b) The Director shall make the determination of whether cleanup and closure has been completed according to the cleanup and closure plan and R315-15.

Closure Costs

A facility which is required to submit a Closure Plan must post **financial assurance** (like a bond, letter of credit, or similar) to cover the cost of closure. These costs are based on the sample and cleanup portions of the Closure Plan. These costs are very site-specific. Obviously, it would take a lot more money to clean up and close a large, complicated re-refiner facility than a simple facility which just stores a few drums or totes inside of proper containment.

Closure Costs (cont.)

The itemized closure expenses are based on third party bids for the detailed tasks set out in the Closure Plan. The next slide shows a table summarizing the predicted expenses with the closure of a former facility some years back (obviously, prices have gone up since then.)

Itemized Task Closure Costs for Financial Assurance

Task	Task Description	Quantity	Units	Rate	Current Cost
1	Soil and Groundwater Testing				
	Sampling (labor)	10	Hours	\$75.00	\$750.00
	Sampling (labor) Supervisor	10.0	Hours	\$80.00	\$800.00
	Soil Samples – Analytical Testing	8	Each	\$550.00	\$4,400.00
	Groundwater Samples - Analytical Testing	2	Each	\$550.00	\$1,100.00
	Drilling for soil sample collection	10	Hours	\$175.00	\$1,750.00
	Equipment Rental	1	Days	\$500.00	\$500.00
	Site Sampling and Analytical Sub-Total				
2	Facility Decommission and Certification				
	Prepare Health & Safety Plan	1	Document	1,500.00	1,500.00
	Removal, transportation and recycling of used oil and rail car decontamination	2	Railcars (26,500 max each)	11,326.00	22,652.00
	Soil Removal (labor)	10	Hours	75.00	750.00
	Soil Removal Supervisor	10	Hours	80.00	800.00
	Transportation/disposal contaminated soil removal	27	Tons	50.00	1,350.00
	Plant Decommission Sub-Total				
3	Closure Certification				
	Independent P.E. Verification	1	Each	\$3,500.00	\$3,500.00
	Division of Waste Management and Radiation Control Review	10	Hours	\$90.00	\$900.00
	Final Closure Verification Sub-Total				
Total Closure Costs					\$40,752.00

Old example of Itemized Task Closure Costs for Financial Assurance



Cleaning out tank bottoms in Green River, Utah during closure.



Drilling during soil and groundwater sampling at a closure.



Soil core sample from the drilling project in the previous slide.

Financial assurance

The financial instruments (bonds, letters of credit, etc) are intended to guarantee that enough money has been set aside for cleanup and closure after a facility ceases its used oil activities. We don't want the taxpayer to be stuck with the bill for cleaning up these facilities.

These are complicated financial documents described in R315-15-10 through R315-15-12 of the rules. For help, you can call:

Brent Gaschler:

Phone: 385-454-5309

Email: brgaschler@utah.gov

Financial Assurance

Annual Inflation Adjustments

In order to ensure that enough money has been set aside for closure, the financial assurance is updated annually to account for inflation. This is handled through the Annual Report process administered by Leo Calcagno in collaboration with Brent Gaschler of our staff.

Questions?



Registration and Permitting of Used Oil Handlers (R315- 15- 13)

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Registration and Permitting of Used Oil Handlers

R315-15-13

Utah requires a person/company to apply for and obtain a used oil permit or registration prior to performing certain used oil activities.

Who needs to submit an application?

The following folks are required to obtain a permit or registration:

Permits:

Used Oil Transporters

Used Oil Transfer Facilities

Used Oil Processors/Re-refiners

Off-specification Used Oil Burners

Registrations:

Used Oil Collection Centers (UOCCs)

Used Oil Marketers

Applications

The forms are relatively self-explanatory but must be accurate and complete and accompanied with the application fee(s) as follows:

Permits:	\$100 per permit
Marketer Registration:	\$50 per registration
UOCC Registration:	free

Applicants are also charged for staff review time of the permits and marketer registration, so it pays to submit applications which are complete and accurate.

Permit Application Forms

Permit and registration application forms are found on our web page at:

<https://deq.utah.gov/waste-management-and-radiation-control/forms-division-of-waste-management-and-radiation-control#used-oil>

Notification

Used oil marketers, transporters, transfer facilities, processors/re-refiners must obtain an EPA Identification number to hold a used oil permit or registration.

(This process was discussed in the transporter presentation)



Kaci Mcneill at DEQ can help you with this:

(385) 454-5459

kmcneill1@utah.gov

Things you should know

Common questions & pitfalls

Plan ahead. Even in the best case scenario, used oil permitting is a lengthy process lasting over a month. There is a 15-day comment period, financial assurance documents to obtain with your financial institutions, etc. Don't wait until the last minute. How long will it take? Depends on the type of permit, staff workloads, and how complete and accurate the submission application is.

Common permitting questions & pitfalls (cont.)

If you have questions, ask us rather than guessing. If you submit complete & accurate information, it speeds things up. Even small “issues” can delay things because resubmissions need to be officially logged in.

Common permitting questions & pitfalls (cont.)

Get your financial information lined up as soon as possible.

Obtaining the required, properly worded forms can be time consuming. Financial institutions sometimes resist the required language, so it is good to get this set up as quickly as possible. (This topic will be discussed by Leo in the next presentation.) For help, call:

Brent Gaschler:

Phone: 385-454-5309

Email: brgaschler@utah.gov

Common permitting questions & pitfalls (cont.)

Closure Plan. [Only required for transfer facility, processor, and off-specification burner permits.]

As I noted in my previous talk, the closure plan is a complicated document with itemized closure costs and third-party quotes that can cause delay.

Common permitting questions & pitfalls (cont.)

Use your legal business name. Make sure the name on the application form exactly matches the company's legal name, as shown on the Utah Business Search. That includes commas and periods. For example, if the legal name is:

Acme Inc.

don't submit an application with any of the following variations:

Acme Inc

← missing period

Acme, Inc.

← added comma

Acme

← missing "Inc."

Acme, LLC

Used Oil Handler Certificates

Used oil permittees and marketers are issued a used oil handler certificate with a new permit. This certificate must be renewed annually. It is the responsibility of these handlers to renew these certificates by December 31 of each year. Please do so in a timely manner, preferably in early December.

Permittees are required to pay a fee of **\$100.00 per permit**.

Used oil marketers must pay **\$50.00 per registration**.

I am currently the person who administers this annual renewal.

Used Oil Handler Certificates (cont.)

I am currently the person who administers this annual renewal. I try to send out a courtesy reminder email every year before December to a list of handler certificate contacts on file, but these contacts change as people retire, move on, or get different emails. If you wish to continue to receive these reminders, please let me know of any changes to this contact information.

Again, it is the responsibility of the used oil handlers to renew these certificates by December 31 of each year.



WASTE MANAGEMENT
& RADIATION CONTROL

Utah Used Oil Handler Certificate

xxx Permittee Name xxx

UOP-0****

is permitted as a Used Oil Transporter with the Utah Division of Waste
Management and Radiation Control pursuant to Utah Code
Section 63J-1-504

Effective Date: January 1, 2023

Approved by: _____

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control

Expiration Date: December 31, 2023

If you follow the described steps, you get a lovely handler certificate like this.

Permit by Rule for (Certain) Transporters

R315-15-13.4(f)

In certain, limited scenarios, generators who self-transport used oil from their own vehicles to a central collection facility in quantities exceeding 55 gallons do not need to apply for a used oil transporter permit. If they meet the conditions in R315-15-13.4(f), the permit is, in a sense, assumed, saving these folks the time and expense of the application process.

Permit by Rule for Transporters (cont.)

One needs to read R315-15-13.4(f) closely to see if they qualify, but the simplified general criteria for the transporter permit by rule are these:

- (1) The used oil is transported in the generator's own vehicles.
- (2) The generator submits a written notification to the Director of their intent to operate under R315-15-13.4(f).
- (3) The generator's facility is defined under an NAICS code of 21 (Mining), 22 (Utilities), 23 (Construction), 485111 (Mixed Mode Transit Systems), or 541360 (Geophysical Surveying and Mapping Services).
- (4) The generator self-transport and delivers the used oil to its own facility.

Permit by Rule for Transporters (cont.)

(5) The generator notifies the Director with the information required by R315-15-13.4(b)(1) through (10). [This is a portion of the information submitted by regular used oil transporters applying for a permit.] And

(6) The generator complies with:

- R315-15-4.3 [Obtain/update their EPA Identification Number.],
- R315-15-4.4(b) through (d) [Follow DOT requirements, follow the spill rules, label their vehicles with the words “Used Oil.”],
- R315-15-4.6(b) through (f) [Store used oil in appropriate and labeled units with secondary containment.],
- R315-15-4.7(b) and (d), [Track their loads like a transporter.], and
- R315-15-4.8 [Manage their residues appropriately.].

Permit by Rule for Transporters (cont.)

There are additional requirements on Permit by Rule transporters and transfer facilities who burn the oil they self-transport, including registering as a used oil marketer.

Permit Modifications

Permittees need to notify the Division of any changes in information affecting their permit.

1. **Minor changes** (contact information, mailing addresses, etc.): The permittee needs to notify the director within 20 days of those changes.
1. **Major changes** (addition of tanks or storage capacity, new type of vehicles, new process, etc.): The permittee needs to request a modification to the permit prior to implementing the change. The permittee may not make that change until the Director approves the modification and issues a modified permit.

Questions?

