



September 6, 2013

James Doucett, Acting Director
Business Compliance Division
Bureau of Waste Prevention
Department of Environmental Protection
Commonwealth of Massachusetts
One Winter Street
Boston, MA 02108

Re: Supplement to Rulemaking Petition of Heritage-Crystal Clean, LLC

Dear Mr. Doucett:

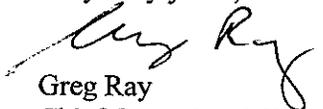
This letter responds to your letter dated July 17, 2013 and serves as a supplement to the rulemaking petition submitted to the Department on or about April 4, 2013.

Attached to this letter is draft regulatory language to implement Crystal Clean's proposed regulatory change. As indicated in the original petition, the purpose of this change is to place used oil destined for re-refining on equal footing with used oil destined to be burned as fuel. For the reasons set forth in our petition, we believe re-refining used oil is a far superior recycling option than burning the oil for energy recovery and, therefore, are proposing this change so that these two recycling methods are regulated in a similar manner.

In summary, we have (1) added a definition of "re-refining;" (2) modified 310 CMR 30.221(3) to include used oil destined for re-refining along with used oil fuel as a waste exempt from permitting requirements; (3) made a corresponding change to 310 CMR 30.252; and (4) added a new 30.255.1 as a parallel provision to existing 30.255, which currently addresses only used oil fuel. (On this point, we considered simply adding used oil for refining to 30.255 as a different section but thought a new provision might be cleaner; however, either way would suffice).

We continue to believe that this regulatory change is extremely important to encourage the environmentally beneficial process of re-refining used oil. If you have any questions, please call me.

Very truly yours,


Greg Ray
Chief Operating Officer

cc: Giles Steele-Perkins
Philip Comella
Anita Pendry
Catherine McCord

Text of Proposed Regulation Pursuant to 310 CMR 2.02

We propose making the following changes to the existing Massachusetts hazardous waste regulations:

1. Add to 30 CMR 30.010 : Definitions:

“Re-refining” means the processing of used oil to remove impurities so that it can be used as a base stock for producing new lubricating oil.”

2. Modify 30 CMR 30.221(3)(a)(4) as follows:

“4. The shipment off the site of generation of specification used oil fuel or used oil for re-refining (MA97) with a transporter/marketer pursuant to 310 CMR 30.255 or 310 CMR 30.255.1.”

3. Add to 30.252(1):

“(d) used oil for re-refining in compliance with 30.255.1”

4. Add 30.255.1 as follows:

(1) The following criteria should be used to determine whether or not a person is a “marketer” of used oil for re-refining. A person is a “marketer” of re-refined oil if that person is any of the following:

- (a) generator of used oil who sells or otherwise transfers, or offers to sell or otherwise transfer, used oil to persons authorized to market re-refined oil or to other persons authorized to re-refine that oil for use as base stock for new lubricating oil.
- (b) Said person is the owner or operator of a facility at which used oil is re-refined.
- (c) Said person is a transporter licensed pursuant to 310 CMR 30.800 and who transports used oil to other authorized marketers, or to persons who are authorized to re-refine that used oil.
- (d) Said person is a transporter licensed pursuant to 310 CMR 30.800 and who transports used oil to other authorized marketers, or to persons who are authorized to re-refine that used oil.

(2) A person who is a “marketer” of used oil destined for re-refining may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to owners or operators of facilities that meet all the following requirements:

- (a) For each facility located in Massachusetts, the requirements are:
 1. the owner or operator must have notified the EPA and the Department of the facility's re-refining activity pursuant to 310 CMR 30.060 through 30.064.
 2. the facility must have an EPA identification number, or
 3. the facility must be a marketer authorized to received used oil for refining.
- (b) For each facility located outside of Massachusetts, the requirements are:

1. the facility must have the legal authority to accept the used oil pursuant to applicable statutes and regulations in effect where the facility is located.
2. the transport of the used oil must be in compliance with applicable statutes and regulations in effect in all places where such transport is to occur.

(3) A "marketer" shall, pursuant to 310 CMR 30.060 through 30.064, notify the Department of his activities as a "marketer" prior to engaging in those activities, regardless of whether or not said "marketer" has previously given notice of other activity pursuant to 310 CMR 30.060 through 30.064.

(4) Whenever a "marketer" causes used oil destined for re-refining to be transferred to a person who is authorized to re-refine such used oil, or to another marketer, such used oil shall be accompanied either by:

- (a) a shipping paper on which the used oil shall be identified as "used oil for re-refining", or by
- (b) a hazardous waste manifest on which the used oil shall be identified as "used oil for re-refining," and the waste code "MA97" shall be used.

(5) Every "marketer" shall maintain copies of all notices, shipping papers, and manifests, and all other records he is required to make, send, or receive pursuant to 310 CMR 30.200, for at least three years after the date of his last used oil activity. This period shall be automatically extended for the duration of any enforcement action. This period may be extended by order of the Department. All record keeping shall be in compliance with 310 CMR 30.007.

(6) A person who is a "marketer" of used oil for re-refining may sell or otherwise transfer such material, or contract to sell or otherwise transfer such material, or cause or allow such material to be transported off the site of generation, only to owners or operators of facilities that meet all the following requirements:

- (a) For each facility located in Massachusetts, the requirements are:
 1. the facility must have an EPA identification number or a state-only Massachusetts identification number.
 2. the facility must be
 - a. licensed pursuant to 310 CMR 30.800, and possess a special license condition authorizing it to be a marketer, or
 - b. a person with a Class A regulated recyclable materials permit issued pursuant to 310 CMR 30.220 who is authorized to re-refine used oil.
 - c. or an authorized marketer.
- (b) For each facility located outside of Massachusetts, the requirements are:
 1. the facility must have the legal authority to accept the used oil for re-refining pursuant to applicable statutes and regulations in effect where the facility is located.
 2. the transport of the used oil must be in compliance with applicable statutes and regulations in effect in all places where such transport is to occur.