

Guidelines for Characterizing Used Oil Violations

Introduction

Department of Environmental Protection (DEP) Directive 923 is the Department’s controlling enforcement document. These guidelines are intended to complement Directive 923 to determine the appropriate amount of civil and administrative penalties to seek when settling enforcement actions. These guidelines are intended to provide a rational, fair, and consistent method to determine the appropriate enforcement response for Used Oil violations.

****While as a general matter, Florida does recognize that “the statute of limitations in environmental contexts where there is a continuing invasion of rights does not begin to run until the wrongful invasion of rights that constitutes the violation ceases,” instances where violations are approaching the 4 year mark should be reviewed as soon as possible with the Office of General Counsel to preserve all legal options.**

Administrative Penalties (ELRA)

Under the Environmental Litigation and Reform Act (ELRA), the Department can seek an administrative penalty for certain violations pursuant to s. 403.121(2), Florida Statutes (F.S.). Administrative penalty amounts are stipulated by statute and cannot exceed \$50,000, per assessment, when calculated in accordance with the applicable sections of 403.121, F.S. For additional details, see DEP Directive 923.

Violation (statutory language)	ELRA Base Penalty	Cite (F.S.)
Unpermitted or unauthorized disposal or storage of solid waste	\$3,000	403.121(3)(e)
<i>Add-On 1</i> – If the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, add \$1,000	+ \$1,000	
<i>Add-On 2</i> – If the waste contains PCB at a concentration of 50 ppm or greater; and used oil greater than 25 gallons, add \$1,500	+ \$1,500	
Unauthorized burning	\$4,500	403.121(3)(e)
Failure to satisfy financial responsibility requirements	\$7,500	403.121(4)(a)
Failure to install, maintain, or use a required pollution control system or device	\$6,000	403.121(4)(b)
Failure to obtain a required permit before construction or modification	\$4,500	403.121(4)(c)
Failure to conduct required monitoring or testing	\$3,000	403.121(4)(d)
Failure to construct in compliance with a permit	\$3,000	403.121(4)(d)
Failure to submit required notification	\$1,500	403.121(4)(e)
Failure to maintain required staff to respond to emergencies	\$1,500	403.121(4)(e)
Failure to conduct required training	\$1,500	403.121(4)(e)
Failure to prepare, maintain, or update required contingency plans	\$1,500	403.121(4)(e)
Failure to adequately respond to emergencies to bring an emergency situation under control	\$1,500	403.121(4)(e)
Failure to prepare, submit, maintain, or use required reports or other required documentation	\$750	403.121(4)(f)

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Violation (statutory language)	ELRA Base Penalty	Cite (F.S.)
Failure to comply with any departmental regulatory statute or rule requirement not otherwise identified	\$1,000	403.121(5)
Any person who fails to register with the department as required by 403.754	\$300	403.758(2)

Civil Penalties

The ELRA process does not apply to all Used Oil violations; therefore, when penalty calculations are being made for Used Oil violations, where ELRA does not apply, the program specific charts at the end of this document should be used to determine how the potential violations should be characterized and the regular matrix provided in Directive 923 (reproduced later in this document) should be used to determine penalty amounts for non-ELRA violations. To aid inspectors in consistently evaluating potential violations, a violation matrix spreadsheet is available that provides supplemental details on the coding and classification of specific violations in relation to statutory or regulatory citations. In addition, a harm calculation worksheet is also available to facilitate a consistent way of categorizing Environmental Harm for cases where a discharge was discovered.

Multi-Day Penalties and Adjustment Factors

DEP Directive 923 discusses when and how to assess multi-day penalties. The directive also sets out various adjustment factors to be used when calculating a penalty based on the matrix. These factors include:

- Knowing, deliberate, or chronic violations.
- Good faith efforts to comply (or lack of good faith efforts to comply) either prior to or after Department discovery of the violation.
- History of noncompliance.
- Economic benefit of noncompliance.
- Ability to pay.
- Other unique factors.

In-Kind Penalties and Pollution Prevention Projects

In-Kind Penalties and Pollution Prevention Projects should be considered as provided in Directive 923.

Penalty Calculation Matrix for Used Oil

The Department's Penalty Matrix identifying what types of violations fall into what quadrants for cases other than Potable Water, Hazardous Substances, or Hazardous Waste is reproduced below. It is important to remember when placing a violation in the 'Major' category for Environmental Harm, the violation must have actually resulted in pollution in a manner that represents a substantial threat to human health or the environment. Moderate violations are those violations that actually or are reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment. Minor violations are those violations that actually or are reasonably expected to result in a minimal threat to human health or the environment.

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E N V I R O N M E N T A L H A R M	EXTENT OF DEVIATION FROM REQUIREMENT		
		MAJOR	MODERATE
MAJOR	\$15,000 to \$13,000	\$12,999 to \$11,000	\$10,999 to \$9,000
MODERATE	\$8,999 to \$7,000	\$6,999 to \$5,000	\$4,999 to \$3,000
MINOR	\$2,999 to \$2,000	\$1,999 to \$1,000	\$1,000*

* Environmental Education may be an acceptable substitute to offset penalties on a one-time basis

Peer Review and Penalty Amount Approvals

In all cases where a proposed solid waste penalty exceeds \$25,000, a peer review by the Division of Waste Management is required and the Deputy Secretary must approve the proposed penalty. The Secretary must approve proposed penalties of \$75,000 or more.

Matrix Factors-Used Oil Disposal

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Major	Failure to responsibly manage used oil that actually results in pollution in a manner that represents a substantial threat to human health or the environment.	<ol style="list-style-type: none"> No person shall place or deposit any used oil in or on the land or waters located within the state except in a manner approved by the department. (Discharge without beginning a timely and appropriate cleanup) No person may collect, transport, store, recycle, use, or dispose of used oil in any manner which endangers the public health or welfare. (Discharge without beginning a timely and appropriate cleanup) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters. (Discharge without beginning a timely and appropriate cleanup)
Moderate	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<ol style="list-style-type: none"> No person shall place or deposit any solid waste in or on the land or waters located within the state except in a manner approved by the department. (Discharge with attempted but inadequate cleanup) No person may collect, transport, store, recycle, use, or dispose of used oil in any manner which endangers the public health or welfare. (Discharge with attempted but inadequate cleanup) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters. (Discharge with attempted but inadequate cleanup)
Minor	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> No person shall place or deposit any solid waste in or on the land or waters located within the state except in a manner approved by the department. (de minimis) No person may collect, transport, store, recycle, use, or dispose of used oil in any manner which endangers the public health or welfare. (de minimis) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters. (de minimis)

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Matrix Factors-Used Oil Transportation

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Major	Failure to responsibly manage used oil that actually results in pollution in a manner that represents a substantial threat to human health or the environment.	<ol style="list-style-type: none"> 1. In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment. (No response action) 2. Used oil that is transported to a used oil collection center or other location that is unregistered, unlicensed, unpermitted, or not recognized by the state/county/municipal government to manage used oil. 3. Generators may transport used oil that is generated at the generator's site to an aggregation point provided that: (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; (2) The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator. (Aggregation point not owned/operated by the generator as required, and there is a Major deviation from requirements that is confirmed in more than one inspection or other verification) 4. Generators must ensure that their used oil is transported only by transporters who are currently registered with the Department, where failure is confirmed in more than one inspection or other verification. 5. Used oil transporters shall have an annual and new employee training program in place covering the applicable rules, where failure to provide training is confirmed in more than one inspection or other verification. 6. Failure to maintain vehicle insurance of no less than \$1,000,000 that is confirmed in more than one inspection or other verification.
Moderate	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<ol style="list-style-type: none"> 1. In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment. (Inadequate or untimely response action) 2. Generators may transport used oil that is generated at the generator's site to an aggregation point provided that: (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; (2) The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator. (Moderate deviation from requirements that is confirmed in more than one inspection or other verification, where the aggregation point that is owned and/or operated by the same generator as required.) 3. Used oil transporters shall have an annual and new employee training program in place covering the applicable rules, where inadequate training is confirmed in more than one inspection or other verification.
Minor	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> 1. Generators may transport used oil that is generated at the generator's site to an aggregation point provided that: (1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; (2) The generator transports no more than 55 gallons of used oil at any time; and (3) The generator transports the used oil to an aggregation point that is owned and/or operated by the same generator. (Minor deviation from requirements that is confirmed in more than one inspection or other verification, where the aggregation point that is owned and/or operated by the same generator as required.) 2. Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be available for review by Department personnel during inspections. 3. Maintain vehicle insurance of no less than \$1,000,000. (Having insurance but not submitting proof in a timely fashion)

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Matrix Factors-Use Oil Emergency Procedures

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Major	Failure to respond to used oil discharge that actually results in pollution in a manner that represents a substantial threat to human health or the environment.	<ol style="list-style-type: none"> 1. Generator/Transporter/Transfer Facility/Processor/Burner must perform the following cleanup steps: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any other materials; and 4. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. (No cleanup) 2. Upon detection of a release of oil from any used oil filter container the facility owner or operator shall: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any subsequent oily waste; and 4. Repair or replace any leaking used oil filter storage containers prior to returning them to service. (Failure to provide any cleanup for a used oil release exceeding 25 gallons.)
Moderate	Failure to respond to used oil discharge that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<ol style="list-style-type: none"> 1. Generator/Transporter/Transfer Facility/ Processor/ Burner must perform the following cleanup steps: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any other materials; and 4. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. (Inadequate cleanup) 2. Upon detection of a release of oil from any used oil filter container the facility owner or operator shall: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any subsequent oily waste; and 4. Repair or replace any leaking used oil filter storage containers prior to returning them to service. (Inadequate cleanup that is confirmed in more than one inspection or other verification; or a failure to provide any cleanup for a used oil release exceeding 5 gallons.)
Minor	Failure to respond to used oil discharge that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> 1. Generator/Transporter/Transfer Facility/ Processor/ Burner must perform the following cleanup steps: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any other materials; and 4. If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. (de minimus) 2. Upon detection of a release of oil from any used oil filter container the facility owner or operator shall: 1. Stop the release; 2. Contain the released oil; 3. Clean up and manage properly the released oil and any subsequent oily waste; and 4. Repair or replace any leaking used oil filter storage containers prior to returning them to service. (de-minimus)

Guidelines for Characterizing Used Oil Violations

Matrix Factors-Used Oil General

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Major	Failure to responsibly manage used oil that actually results in pollution in a manner that represents a substantial threat to human health or the environment.	<p>Failure to manage used oil where the failure for one or more of the below requirements, that was confirmed for more than two consecutive inspections or other verifications.</p> <ol style="list-style-type: none"> 1. No person may store used oil in above-ground containers unless such containers are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If such containers are not stored inside a structure, they must be covered or otherwise protected from the weather. (Visible leaks) 2. No person may store used oil in above-ground containers unless such containers are double walled or stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment. (Major deviation from requirement) 3. Owners or operators of used oil transfer/processor or re-refiner/burner facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR Parts 264 or 265. (Significant deviation from requirement) 4. Used oil transporters/processors and re-refiners/burners/fuel marketers who have not complied with the notification requirements and obtain a DEP/EPA Identification number. 5. To ensure that used oil is not a hazardous waste under the rebuttable presumption, the used oil transporter/processing/re-refining/burner facility must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above 1,000 ppm. 6. No person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose used oil in landfills in Florida unless approved by the department. (Used oil transporter, processor, marketer, burner) 7. Used oil shall not be used for road oiling, dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment. (Used oil transporter, processor, marketer, burner or repeat violators) 8. Off-specification used oil fuel may be burned for energy recovery in only the following devices: 1) Industrial furnaces; 2) Boilers; and 3) Hazardous waste incinerators. Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil. 9. Failure to conduct sampling and analysis for the used oil specification in accordance with Department Quality Assurance Requirements. Oil shipped and burned without analysis by approved method.
Moderate	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<p>Failure to manage used oil where the failure for one or more of the below requirements, that was confirmed for two consecutive inspections or other verifications.</p> <ol style="list-style-type: none"> 1. No person may store used oil in above-ground containers unless such containers are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If such containers are not stored inside a structure, they must be covered or otherwise protected from the weather. (Moderate deviation from requirements) 2. No person may store used oil in above-ground containers unless such containers are double walled or stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment. (Moderate deviation from requirement) 3. Fill pipes used to transfer oil into underground storage tanks at generator/transfer/processing and re-refining facilities/burner facilities must be labeled or marked clearly with the words "Used Oil." 4. Each registered person shall maintain records documenting halogen screening. 5. No person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose used oil in landfills in Florida unless approved by the department. (Used oil generator) 6. Used oil shall not be used for road oiling, dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment. (Used oil generator) 7. Generators may burn used oil in used oil-fired space heaters provided that the used oil is generated by the owner or operator or received from household do-it-yourself used oil generators. 8. Failure to conduct sampling and analysis for the used oil specification in accordance with Department Quality Assurance Requirements. (Sample record keeping does not allow sample to be tracked to specific waste, or not all parameters analyzed correctly) 9. Owners and operators/burners who generate residues from the storage, processing, or re-refining/burning of used oil must manage the residues as specified in §279.10(e).

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Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Minor	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> 1. No person may store used oil in above-ground containers unless such containers are double walled or stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment. (Minor deviation from requirement) 2. Failure to conduct sampling and analysis for the used oil specification in accordance with Department Quality Assurance Requirements. (Non-approved lab but followed appropriate procedures, or sampling did not follow SOP's for all loads) 3. Each registered person shall display the validated registration form and identification number in a prominent place at each facility location. 4. Each public used oil collection center shall notify the Department no later than 30 days after first accepting used oil from the public. 5. Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become certified.

Matrix Factors-Used Oil Filter Management

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Major	Failure to responsibly manage used oil filters that actually results in pollution in a manner that represents a substantial threat to human health or the environment.	<ol style="list-style-type: none"> 1. No person who removes or manages used oil filters shall dispose of such filters, or commingle such filters with other solid waste, for disposal in a landfill in Florida. (for commercial processors, transporters, transfer facilities, where the failure was confirmed for two consecutive inspections or other verifications. 2. All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface. (≥ 10 Drums where the failure was confirmed for two consecutive inspections or other verifications.)
Moderate	Failure to responsibly manage used oil filters that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<ol style="list-style-type: none"> 1. No person who removes or manages used oil filters shall dispose of such filters, or commingle such filters with other solid waste, for disposal in a landfill in Florida. (Generators >/=5 filters/day) 2. All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface. (≥10 Drums where the failure was confirmed for two consecutive inspections or other verifications.)
Minor	Failure to responsibly manage used oil filters that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> 1. No person who removes or manages used oil filters shall dispose of such filters, or commingle such filters with other solid waste, for disposal in a landfill in Florida. (Generators </= 5 filters/day) 2. All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface. (< 10 Drums) 3. Each generator of used oil filters whose solid waste is typically disposed of in a landfill shall either register as a used oil filter processor or shall ensure that its filters are transported by a registered used oil filter transporter and processed by a registered used oil filter processor or end user.

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Matrix Factors-Used Oil Record Keeping

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Moderate	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<p>Failure to manage used oil where the failure for one or more of the below requirements, that was confirmed for two consecutive inspections or other verifications.</p> <ol style="list-style-type: none"> 1. Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. (No Records) 2. Used oil transporters/ processors/ burners must keep a record of each used oil shipment accepted for transport/ processing/ burning. (No Records) 3. Used oil transporters/ processors/ burners must keep a record of each used oil shipment accepted for transport/ processing/ burning. (Records are incomplete) 4. A generator, transporter, processor/refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under 279.11, must keep copies of analyses of the used oil (or other information used to make the determination) for three years. (No Records) 5. Used oil marketers must keep a record of each off-specification used oil shipment to used oil burners. (No Records)
Minor	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> 1. Used oil marketers must keep a record of each off-specification used oil shipment to used oil burners. (Records are incomplete) 2. Records required by regulations shall be retained for a period of three years and kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours, unless another location and inspection schedule is specified in the registration package submitted to the Department. 3. No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500 FAC, shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3). The report shall summarize the records kept pursuant to this section. 4. No later than July 1 of each year, each public used oil collection center shall submit to the Department an estimate of the quantity of used oil accepted from the public during the previous calendar year. 5. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that (1) the burner has notified EPA stating the location and general description of his used oil management activities; and (2) the burner will burn the used oil only in an industrial furnace or boiler identified in 279.61(a).

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Matrix Factors-Used Oil Processing

Matrix Factor	Environmental Harm	Extent of Deviation from Requirement
Major	Failure to responsibly manage used oil that actually results in pollution in a manner that represents a substantial threat to human health or the environment.	<ol style="list-style-type: none"> 1. An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a permit issued by the Department. 2. Used oil processing and re-refining facilities must maintain communication equipment, alarm system, fire control equipment, spill control equipment and decontamination equipment. (Significant deviation from equipment maintenance requirements, that was confirmed for two consecutive inspections or other verifications) 3. Owners and operators of used oil processors and re-refiners facilities must maintain contingency plans. (Contingency plan not updated for significant changes in operations, that was confirmed for two consecutive inspections or other verifications) 4. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment, where failure to maintain or operate was confirmed for two consecutive inspections or other verifications. 5. Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately: (A) Activate internal facility alarms or communications systems, where applicable, to notify all facility personnel; and (B) Notify appropriate State or local agencies with designated response roles if their help is needed, and otherwise implement contingency plan. (Complete failure to implement in a manner that exacerbates a fire, explosion, or other emergency conditions or associated releases to the environment)
Moderate	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment.	<ol style="list-style-type: none"> 1. The closure plan shall be updated whenever significant operational changes occur or design changes are made. 2. Used oil processing and re-refining facilities must maintain communication equipment, alarm system, fire control equipment, spill control equipment and decontamination equipment. (Moderate deviation from equipment maintenance requirements) 2. The Owners and operators of used oil processors and re-refiners facilities must maintain contingency plans. (Contingency plan not updated for moderate changes in operations) 3. Owners and operators of used oil processing and re-refining facilities must develop and follow a written waste analysis plan. The owner or operator must keep the plan at the facility. (Plan incomplete or not following the plan)

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Minor	Failure to responsibly manage used oil that actually or is reasonably expected to result in pollution in a manner that represents a minimal threat to human health or the environment.	<ol style="list-style-type: none"> 1. The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; (B) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. (Incomplete arrangements) 2. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes. 3. Owners and operators of used oil processing and re-refining facilities must develop and follow a written waste analysis plan. The owner or operator must keep the plan at the facility. (Plan incomplete or not following the plan) 4. The closure plan shall be maintained with records