

Used Oil Generator Requirements

Background

This fact sheet describes state and federal used oil generator requirements. Numerous service and industrial activities generate used oil: auto repair, metalworking, machine lubrication, refrigeration and hydraulic equipment repair. Used oil can be recycled to make new lubricants or used as an industrial fuel under established safeguards. When properly recycled, it is excluded from hazardous waste regulation.

It's important to manage used oil to prevent potential pollution of the air, land, surface water and groundwater. Used oil can contain cancer-causing agents, metal contaminants and organic compounds that filter into the groundwater supply. Such contamination can result in serious human health hazards.

The topics listed below include references for specific rule sections. Federal used oil regulations are in the Code of Federal Regulations, Title 40, Part 279. State used oil regulations are in Oregon Administrative Rules Chapter 340, Division 111. For more detailed information, refer to the specific rules listed in these documents. (See link on page 4).

What is used oil? (OAR 340-111-020)

The Oregon Department of Environmental Quality defines used oil as any oil that's been refined from crude or synthetic oil and used as one of the following:

- lubricant
- electrical insulation oil
- hydraulic fluid
- heat transfer oil
- brake fluid
- refrigeration oil
- grease
- machine cutting oil

Used oil does not include the following,

- used oil mixed with hazardous waste except for specific instances
- petroleum and synthetic-based products used as solvent
- antifreeze
- wastewaters from which the oil has been removed
- oil-contaminated media or debris

What is a used oil generator? (40 CFR 279.1 and 40 CFR 279.20)

A used oil generator is any person by site, whose act or process produces used oil or whose act first causes the used oil to be regulated. Generators subject to used oil regulations include, but are not limited to: businesses, governments, schools and equipment maintenance facilities.

Used oil regulations in this fact sheet do not apply to:

- persons generating used oil through personal vehicle maintenance
- farmers generating an average of 25 gallons per month or less of used oil from vehicles or machinery used on the farm during a calendar year

Used oil storage (OAR 340-111-032; 40 CFR 279.22 and 40 CFR, Part 112)

In storage units, used oil must be stored in tanks or containers without leaks and in good condition (no severe rusting, structural defects or deterioration). Containers or tanks must also be covered or closed to prevent rainwater from entering.

Labeling

Containers and above-ground tanks of used oil must be clearly labeled or marked with the words "used oil." Fill pipes used to transfer used oil to underground tanks must also be clearly marked with the words "used oil."

Response to used oil releases or spills

Upon identifying a release or spill of used oil to the environment, the used oil generator must stop the release and comply with provisions found in OAR Chapter 340, Division 142.

Spill prevention planning

Used oil generators may be required, under federal regulations (40 CFR, Part 112) to Spill Prevention Control and Countermeasure Plan requirements if they've used oil storage capacity in excess of the following:

- Above-ground storage tanks and containers equaling or exceeding 1,320 gallons total storage capacity
- Underground storage tanks equaling or exceeding 42,000 gallons total capacity



State of Oregon
Department of
Environmental
Quality

Land Quality Division Hazardous Waste Program

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-6742
(800) 452-4011
Fax: (503) 229-6977
Contact: Dave LeBrun
www.oregon.gov/DEQ

Burning used oil in on-site space heaters (OAR 340-111-035 and 40 CFR 279.23)

Used oil generators may burn used oil in on-site space heaters provided that:

- the heater burns only used oil that the owner or operator generate themselves or used oil received from household do-it-yourself used oil households
- the heater has a maximum capacity of not more than 05.million BTUs per hour
- the combustion gases vent to the outside air
- the burner operates following manufacturer specifications, meaning that the unit is designed to burn used oil

Transporting used oil (OAR 340-111-037 and 40 CFR 279.24)

Used oil generators shipping more than 55 gallons of used oil at a time must use a DEQ-registered used oil transporter. The transporter must deliver all used oil collected from the generator to:

- another used oil transporter who also has obtained a DEQ or U.S. Environmental Protection Agency identification number
- a used oil processing/re-refining facility that has obtained a DEQ/EPA identification number
- an off-specification used oil burning facility that has obtained a DEQ/EPA identification number
- an on-specification used oil burning facility

Generators may self-transport their used oil without a DEQ/EPA identification number if all of the following apply:

- the used oil is transported in a vehicle owned or leased by the generator or an employee of the generator
- the generator transports no more than 55 gallons of used oil at any time
- the generator transports the used oil to:
1) an aggregation point owned by the generator or 2) a used oil collection center recognized by DEQ to manage used oil

Mixing waste with used oil (OAR 340-111-010 and 40 CFR 279.10)

Mixing waste with used oil can degrade its recyclability and may result in higher management costs for the generator (Also, mixing used oil with hazardous waste may result in the waste becoming regulated hazardous waste.)

Wastes may be mixed with used oil in specific situations identified in more detail in OAR 340-111-010 and 40 CFR 279.10. If used oil transporters suspect that the oil has been mixed with wastes, they may not pick it up for recycling.

Rebuttable presumption for used oil (40 CFR 279.10(b)(1)(ii))

State and federal used oil regulations presume that used oil containing more than 1,000 parts per million of total halogens has been mixed with listed hazardous waste and therefore must be managed as a hazardous waste. (Halogens include the elements fluorine, chlorine, bromine and iodine.) See 40 CFR 279.10(b) (3) for the conditionally exempt hazardous waste generator exception.

Because of this regulatory presumption, any used oil containing 1,000 ppm of halogens is usually hazardous waste. However, the used oil collector can rebut or refute the presumption that the used oil has been mixed with hazardous waste. The rebutter must demonstrate that the source of the halogens is not from listed waste or characteristic halogenated waste. A used oil collector can become a generator of hazardous waste through mixing if the collector cannot rebut that presumption.

There are several ways a used oil generator or collector can rebut that used oil is hazardous waste:

- Analytical tests methods can prove the used oil does not contain significant concentrations of halogenated hazardous constituents. Common testing methods are available at: www.epa.gov/wastes/hazard/testmethods/sw846/
- Demonstration that the contaminated used oil collected is exempt from hazardous waste regulation. There are two types of used oil always exempt from hazardous waste regulation: do-it-yourself used oil from households, and used oil mixed with conditionally exempt generator waste.

The rebuttable presumption does not apply to:

- Metalworking oils or fluids containing chlorinated paraffins if they're processed through a tolling agreement to reclaim them
- Metalworking oils or fluids if they're recycled in any other manner or disposed

- Oil removed from refrigerant if the refrigerant removed from the unit is destined for reclamation
- Used oil contaminated with refrigerant that's been mixed with used oil from other than refrigeration units

Materials containing or otherwise contaminated with used oil (40 CFR 279.10 (c) and OAR 340-111-01)

Materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material are not used oil and thus not subject to the used oil rules of 40 CFR 279. A hazardous waste determination should be made on these materials if they are determined to be waste as the hazardous waste regulations of 40 CFR parts 124,260 through 266, 268, and 270 may apply.

Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil. Wastes not otherwise deemed hazardous but which have a British Thermal Unit value of more than 5,000 BTUs per pound may be burned for energy recovery as used oil at approved facilities.

Materials containing or otherwise contaminated with used oil cannot be burned for energy recovery as used oil if they contain less than 5,000 BTUs per pound and are subject to hazardous waste regulations.

Fuels and used oil (40 CFR 270.10(d))

Fuels such as gasoline, jet fuel, diesel and kerosene and that are unsuitable for their original intended use may be mixed with used oil and the mixture managed as used oil. Fuel needing treatment (i.e., water removed before incorporation into used oil as a fuel) is not exempt from applicable hazardous waste management regulations.

Wastewaters contaminated with used oil (40 CFR 279.10(f) and OAR 340-111-010)

Wastewaters contaminated with used oil are not used oil and are subject to applicable hazardous waste regulations.

Used oil containing PCBs (40 CFR 279.1(i))

Used oil containing PCBs is subject to used oil regulations found in 40 CFR 279 and OAR 340-111, as well as PCB regulations in 40 CFR 761.20 (e).

Used oil for dust suppressant or pesticide (40 CFR 279.82 and OAR 340-111-030 (1) (a))

Using regulated used oil as a dust suppressant (road oiling) or as a pesticide is prohibited

Burning used oil for energy recovery devices other than space heaters (40 CFR, Subpart G, and OAR 340-111-010, -040, -042 and -050)

Generators of used oil may burn their own oil on-site for energy recovery. Specification used oil may be burned on site in furnaces and boilers without notifying DEQ. Depending on equipment size, a DEQ air quality permit may be required. Check with the appropriate DEQ regional office to determine if an air quality permit is needed. Refer to DEQ's Used Oil Burner and Marketer fact sheet or the specific rule listed above for more information.

Used oil filters (40CFR 261.4(b)(15) and OAR 340-111-020)

Recycling. DEQ recommends recycling of used oil filters for their scrap metal value. Used oil filters should be crushed or punctured and hot drained to remove oil before recycling. (Hot draining means that the oil filter is drained near engine-operating temperature and above room temperature.) Used oil filters with oil removed are exempt from hazardous waste regulations when recycled for their scrap metal value.

Disposal. Used oil filters are exempt from hazardous waste regulations when they're properly processed before disposal as solid waste. This exemption does not apply to "terne plated" used oil filters. Terne plating is an alloy of lead and tin commonly used on larger truck oil filters. Contact the filter manufacturer or retailer to learn if your filters are terne plated.

For used oil filters to be exempt from hazardous waste regulations, they must be gravity drained, using one of the following methods:

- Puncturing the filter anti-drain back valve or the filter dome end and hot draining for at least 12 hours
- Hot draining and crushing
- Dismantling and hot draining
- Any other equivalent hot-drain method that removes used oil

Choosing a used oil management firm

As mentioned earlier, used oil can be exempt from hazardous waste regulations when properly recycled. You need to make certain that the firm managing your used oil does so properly. If a firm mismanages your used oil, you may be

liable for future cleanup costs and hazardous waste management violations.

When evaluating used oil management firms, ask the following:

- Is the used oil being recycled or disposed of?
- Is the processing or transfer facility following good management procedures, such as preventing or immediately cleaning up spills?
- Is the used oil being re-refined or burned for energy recovery?
- Who will be burning the oil after it's blended into a fuel?
- Is off-specification used oil blended to specification used oil fuel or is it marketed as off-specification used oil fuel?
- What is the transporters' or processors' policy on mixing used oil with hazardous waste, and are you comfortable with this policy?
- What type of liability insurance does the transporter have?

For more precise evaluation of an oil management firm, consider visiting the processing facility or examining results of an independent audit.

Where to find more information

DEQ has other fact sheets about handling used oil. Go to DEQ's factsheet web page at: www.deq.state.or.us/pubs/factsheets.htm Scroll down to "Land Quality," "Hazardous Waste" and "Used Oil."

DEQ's used oil regulations are in [Oregon Administrative Rules Chapter 340, Division 111](#).

State rules on underground storage tank regulations are in OAR [Chapter 340, Division 150](#)

Federal used oil regulations are in [Title 40, Part 279 of the Code of Federal Regulations](#) .

Other related federal requirements of interest are on the [federal website for Title 40](#), "Protection of the Environment."

- Part 261 (hazardous waste identification)
- Part 280 (underground storage tanks)
- Part 112 (federal spill prevention, control and countermeasure plan requirements)
- Part 716.20(e) (PCB used oil)

EPA's [used oil webpage](#) .

DEQ regional offices and assistance

For more assistance, see the DEQ hazardous waste program specialist in your area.

Northwest Region Office: 2020 SW Fourth Ave., Suite 400, Portland, OR 97201, 503-229-5263

Bend office: 2146 NE Fourth, Suite 104, Bend, OR 97701, 541-388-6146

Pendleton office: 700 SE Emigrant, Suite 330, Pendleton OR 97801, 541-276-4063

Salem office: 750 Front St. NE, Suite 120, Salem, OR 97310, 503-378-8240, ext. 253

Eugene office: 1102 Lincoln St., Suite 210, Eugene OR 97401, 541-686-7838

Alternative formats

Alternative formats of this document (such as Braille or large type) can be made available. Contact DEQ's Office of Communications and Outreach, Portland, for more information at 503-229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.