

Used Oil Generators

Background

Used oil is produced in many service and industrial activities such as auto repair, metal working, machine lubrication, refrigeration, and hydraulic equipment repair. Used oil can be recycled to make new lubricants or used as an industrial fuel when properly managed. When properly recycled, used oil is excluded from regulation as a hazardous waste.

It is important that used oil be properly recycled 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 when the used oil is dumped or sprayed as a dust suppressant. Such contamination can result in serious hazards to human health. This factsheet describes state and federal used oil generator requirements.

References for specific rule sections are included in each subject heading. Federal used oil regulations are found in the Code of Federal Regulations (CFR), title 40, Part 279. State used oil regulations are found in Oregon Administrative Rules (OAR), Division 111. Refer to specific rule for additional information.

What is used oil? [OAR 340-111-020]

The Oregon Department of Environmental Quality (DEQ) defines used oil as any oil that has been refined from crude or synthetic oil and used as a:

- Lubricant
- Electrical Insulation Oil
- Hydraulic Fluid
- Heat Transfer Oil
- Brake Fluid
- Refrigeration Oil
- Grease
- Machine Cutting Oil

Used oil does not include:

- 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 the used oil regulations include, but are not limited to, businesses, governments, schools, and equipment maintenance facilities. Used oil regulations discussed in this factsheet do not apply to:

- Persons generating used oil through the maintenance of their own personal vehicles;
- 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]

Storage units: Used oil must be stored in tanks or containers in good condition (no severe rusting, apparent structural defects or deterioration) with no leaking. The containers or tanks must also be covered or closed to prevent rainwater from entering.

Labeling

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

Response to releases

Upon detection of a release of used oil to the environment, the generator of the used oil must stop the release and comply with the provisions found in Oregon Administrative Rule (OAR) Chapter 340, Division 142.

Spill Prevention Control and Countermeasure Plan (SPCC)

Used oil generators may be subject to SPCC plan requirements in 40 CFR, Part 112 if they have storage capacity in excess of the following:

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



State of Oregon
Department of
Environmental
Quality

Land Quality Division
811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-5913
(800) 452-4011
Fax: (503) 229-6977
www.deq.state.or.us

Burning of 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 generates themselves or used oil received from household do-it-yourself used oil generators.
- The heater is designed to have a maximum capacity of not more than .05 million BTUs per hour.
- The combustion gases are vented to the outside air.
- The burner is operated following the manufacturer's specifications.

Transportation of used oil. [OAR 340-111-037 and 40 CFR 279.24]

Used oil generators transporting more than 55 gallons of used oil at a time must use a used oil transporter that has notified the state or their activity and has a DEQ/EPA identification number for the transport of used oil. The used oil transporter must deliver all used oil collected from the generator to:

- Another used oil transporter who has obtained a DEQ/EPA identification number; or
- A used oil processing/re-refining facility that has obtained a DEQ/EPA identification number; or
- An off-specification used oil burning facility that has obtained a DEQ EPA identification number; or
- An on-specification used oil burning facility.

Generators may self-transport, without a DEQ/EPA identification number, used oil generated at their site if:

- 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) used oil collection center that is recognized by the state 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. [Mixing used oil with hazardous waste may result in the while tank or container becoming hazardous waste.] Wastes may be mixed with used oil in specific situations. Refer to OAR 340-111-010 and 40 CFR 279.10 for detailed information.

Used oil generators should discuss mixing of waste and used oil with their used oil transporter or processor. If the used oil transporter suspects 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)]

It is presumed that used oil containing more than 1,000 parts per million (ppm) of total halogens (halogens include elements of fluorine, chlorine, bromine and iodine) are assumed to have been mixed with listed hazardous waste and must be managed as a hazardous waste (see 40 CFR 279.10(b)(3) for Conditionally Exempt Hazardous Waste Generator (CEG) exception). The generator may rebut the presumption that the used oil has been mixed with hazardous waste by providing the source of the halogens are not from listed waste.

The Rebuttable presumption does not apply to:

Metal working oils or fluids containing chlorinated paraffins if they are processed through a tolling agreement to reclaim them. The presumption does apply to metalworking fluids or oils if they are recycled in any other manner or disposed.

Oil removed from refrigerant if the refrigerant removed from the unit is destined for reclamation. The rebuttable presumption does apply to used oil contaminated with refrigerant that has been mixed with use 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 not burned for energy recovery, containing or otherwise contaminated with used oil from with the used oil has been drained or removed (so there is no visible free flowing oil) is not used oil and are subject to applicable hazardous waste regulations when disposed of. Materials containing or otherwise contaminated with used oil that have a BTU value of more than 5,000 BTUs per pound may be burned for energy recovery as used oil. Materials containing or otherwise contaminated with used oil cannot be burned for energy recovery as a used oil if they contain less than 5,000 BTUs per pound and shall be subject to applicable hazardous waste regulations and managed appropriately.

Fuels and used oil [40 CFR 279.10(d)]

Fuels, such as gasoline, jet fuel, diesel, and kerosene, 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 removal prior to 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 340-111-010]

Wastewaters contaminated with small amounts of unrecoverable used oil or wastewaters that have had used oil removed 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 are subject to used oil regulations found in 40 CFR 279 and OAR 340-111, and PCB regulations found in 40 CFR 761.20(e).

Used oil used for dust suppressant or pesticide [279.82 & OAR 340-111-030(1)(a)]

The use of used oil as a dust suppressant (road oiling) or pesticide is prohibited.

Burning of used oil for energy recovery in devices other than space heaters. [40 CFR, Subpart G, OAR 340-111-010, OAR 340-111-040, 340-111-042 and OAR 340-111-050]

Generators of used oil may burn their own oil on-site for energy recovery. Specification used oil may be burned onsite in furnaces and boiler without notifying DEQ about this use of used oil. Depending on the size of the equipment, a DEQ air quality permit may be required. Contact the appropriate DEQ regional office to determine if an air quality permit is needed. Refer to used oil burner and marketer factsheet or specific rule listed above for additional information.

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

Recycling

DEQ recommends that used oil filters be recycled for their scrap metal value when recycling is reasonably available. Used oil filters should be properly drained or crushed to remove oil prior to recycling. Used oil filters with the oil removed are exempt from being a hazardous waste when recycled for their scrap metal value.

Disposal

Used oil filters are also exempt from being a hazardous waste when they are properly processed before disposal as a 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 manufacturer or retailer to find out if your filters are terne plated. For used oil filters to

be exempt 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-draining method that will remove used oil.

Hot draining means that the oil filter is drained near engine operating temperature and above room temperature (i.e., (60° F).

Choosing a used oil management firm.

As discussed in the beginning of this factsheet, used oil can be exempt from hazardous waste regulations when properly recycled. In choosing a firm to manage used oil for you, you need to ensure that the used oil will be properly managed after it is removed from your site. If your used oil is collected by a used oil management firm and mismanaged, you may be liable for future cleanup costs or cited for hazardous waste management violations.

When considering a used oil management firm these are some questions you should ask:

- Is the used oil being recycled or is it being disposed of?
- Is the processing or transfer facility following good management procedures (Are spills prevented? Immediately cleaned up?)
- Is the used oil being re-refined or is it being burned for energy recovery?
- Who will be burning the oil after it is blended into a fuel?
- Is off-specification used oil being blended to specification used oil fuel or is it being marketed as off-specification used oil fuel?
- What is the transporters/processors policy on mixing used oil with hazardous waste? Are you comfortable with this policy?
- What type of liability insurance does the transporter have?

Where to find additional information

Additional information is available in the following documents:

- [*DEQ Used Oil Transporters and Collection Facilities Factsheet*](#)
- [*DEQ Used Oil Burner and Marketer Factsheet*](#)
- [*OAR 340, Division 111*](#) (DEQ Used Oil Regulations, including State used oil regulations and 40 CFR, Part 279, Federal used oil regulations)

- [40 CFR, Part 279](#) (*Federal used oil regulations*)
- [40 CFR, Part 261](#) (*Federal hazardous waste identification regulations*)
- [40 CFR, Part 280](#) (*Federal underground storage tank regulations*)
- [OAR 340, Division 150](#) (*State underground storage regulations*)
- [40 CFR, Part 112](#) (*Federal spill prevention, control and countermeasure plan (SPCC) requirements*)
- [40 CFR 716.20\(e\)](#) (*Federal PCB used oil requirements*)

Documents that are available:

- *Federal Used Oil Rules*
40 CFR Part 279:
<http://www.deq.state.or.us/wmc/hw/documents/FederalUsedOilRules.pdf>
 EPA Used Oil Webpage:
<http://www.epa.gov/epaoswer/hazwaste/use/doil/index.htm>
- **Oregon Administrative Rules (OAR)**
DEQ regional offices
(locations listed below)

Northwest Region Office

- 2020 SW 4th, Suite 400
 Portland, OR 97201
 (503) 229-5263

Eastern Region Offices

- 2146 NE 4th, Suite 104
 Bend, OR 97701
 (541) 388-6146
 or
- 700 SE Emigrant, Suite 330
 Pendleton, OR 97801
 (541) 276-4063

Western Region Offices

- 750 Front St. NE, Suite 120
 Salem, OR 97310
 (503) 378-8240, ext. 253
 or
- 1102 Lincoln St., Suite 210
 Eugene, OR 97401
 (541) 7838

The Oregon Administrative Rules can also be found on the DEQ website at:

<http://www.deq.state.or.us/about/rules.htm>

Alternative Formats

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