



## **HAZARDOUS WASTE COMPLIANCE ASSISTANCE – USED OIL REQUIREMENTS JUNE 2022**

### **Used Oil Generators, Transporters, and Burners/Processors**

Used oil is any oil that has been refined from crude oil or any synthetic oil that is used, and as a result of such use, is contaminated by physical or chemical impurities. In general, this includes engine crankcase oil, machine lubricating oil, cutting oil, hydraulic oil, heat treating oil, and compressor oil. "Waste oil" is not the same as used oil.

The generation, transportation, burning and processing of used oil is regulated under 40 CFR Part 279. Virginia has adopted 40 CFR Part 279 used oil management standards from the federal regulations, by reference.

### **Used oil management standards are based on the recycling presumption**

The RCRA Part 279 standards established for used oil management operate under the presumption that used oil will be recycled. Therefore, the Part 279 standards apply unless the used oil is managed or disposed of inconsistent with Part 279 requirements, at which point the generator must assess the oil for HW characteristics.

Used oil may be conditionally excluded from regulation as HW under 40 CFR Part 261.6(a)(4) when recycled under 40 CFR Part 279. Recycled means reused, re-refined, reclaimed, burned for energy recovery or reprocessed.

Used oil that is not HW, but cannot be managed for recycling under Part 279, must be managed in accordance with 40 CFR Parts 257 and 258.

**Please note:** Used oil use as a dust suppressant is strictly prohibited in Virginia!

### **Mixtures of used oil with other materials**

Mixtures of used oil and fuels or other fuel products may be managed under the used oil regulations. This may result in the oil becoming "off specification," particularly if mixed with gasoline.

If wastewater is contaminated with de minimis amounts of oil and managed in units regulated under CWA 307 or 402, oily wastewaters are not subject to Part 279.

Used Oil generated on vessels is not regulated under RCRA until it reaches shore. Used Oil contaminated with PCBs is regulated under the Toxic Substances Control Act.

## **Characterization of used oil**

- Used oil mixed with a listed HW must be managed as a listed hazardous waste. [NOTE: It is a HW fuel if subsequently burned for energy recovery in a Boiler or Industrial Furnace (BIF).]
- Used oil mixed with a characteristic HW is a HW if the mixture exhibits a characteristic.
- Used oil mixed with an ignitable ONLY hazardous waste (D001) may be managed as a used oil if the mixture does not exhibit an ignitable characteristic. (40 CFR 279.10(2)(iii)). (NOTE: generally, only degreasing mineral spirits will qualify).
- HW managed by VSQGs under Part 261.5, when mixed with their own used oil, may be managed under 40 CFR 279; however this may result in substantial extra costs for disposal through used oil or HW contractors and is not recommended.

## **Halogens in used oil**

Used oil with >1000 ppm halogens is always presumed to be a HW. This is a rebuttable presumption! The generator MUST make the claim and document support of his claim if he is rebutting!! Generators may demonstrate, by chemical analysis, that the oil does not contain significant concentrations of halogenated HW constituents listed in Appendix VII of 40 CFR Part 261.

## **On-site used oil storage**

Under 40 CFR 279.22, used oil generators must:

- Store oil in tanks or containers (or units subject to RCRA standards)
- Maintain containers and tanks in good condition, no leaks
- Label containers and tanks with the words "Used Oil" (or label fill pipes for USTs)
- Establish a Spill Prevention, Control and Countermeasures (SPCC) plan, where applicable
- Use a transporter with an EPA ID number

## **Used oil filters**

Used oil filters are NOT regulated as a hazardous waste if managed by one of the following methods:

- Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

- Hot draining and crushing;
- Dismantling and hot draining; or
- Any other equivalent hot-draining method which will remove used oil.
- Virginia follows the federal exemption for this provision - some states do not recognize this exemption

Filters managed by one of these methods are still regulated as a solid waste subject to solid waste management regulations; however, they may be managed for scrap metal reclamation. {NOTE: Gasoline, diesel, air, transmission or other type filters are NOT included in the used oil filter exclusion. They may be excluded from potential HW regulation only if being recycled as scrap metal. Otherwise, the generator must determine if they meet a HW characteristic.}

## **Used oil fuel specifications**

Specifications are a set of criteria intended to be protective of human health and the environment in all circumstances. A used oil that meets specification levels is comparable to a product fuel in terms of regulation. Used oil that is tested and is not within these set parameters is termed off-specification.

“On specification” used oil does not exceed any specification limits (see below), has not been mixed with HW,\* or is from households (“DIY” oil) **or** has had ignitable characteristic only waste added and meets the performance standard. On specification used oil is subject only to the analysis and recordkeeping requirements under Part 279. On specification oil generally may be managed or burned by anyone for any legitimate oil burning purpose (e.g., space heaters, boilers, oil furnaces) regardless of whether it is generated on-site or not. Used oil may occasionally exhibit a characteristic of a HW because of its normal use. Used oil that exhibits a characteristic may still qualify as on-specification used oil if HW has not been added to it and the generator can certify this claim.

“Off-specification used oil fuel” is used oil to be burned for energy recovery that exceeds any of these specification limits (total metals analysis, not TC):

- Arsenic 5 ppm
- Cadmium 2 ppm
- Chromium 10 ppm
- Lead 100 ppm
- Flash point 100°F minimum (i.e., fp must be greater than 100°F)
- Total Halogens >4,000 ppm

Off specification oil may only be managed by Used Oil Marketers or Burners who have notified the Department of this activity and who have obtained an EPA ID number - i.e., full regulation under Part 279. Off specification oil may only be burned in industrial furnaces or boilers, in accordance with Part 279 regulations applicable to Burners.

See 40 CFR Part 279 for full regulations governing the marketing, burning and processing of used oil.

## **Generators of off-specification used oil**

- Subject to Part 279 marketer or burner requirements if conducting those activities
- ANALYSIS IS REQUIRED
- May offer it only to marketers or burners who have notified the Department that they manage off-specification oil and who have an EPA ID number
- Offer only to
- transporters who have an EPA ID number

## **Space heaters**

In general, generators may burn their own on- or off-specification used oil in their own space heaters (40 CFR Part 279.20(b)(3)). The heater must burn only used oil that the owner or operator generates, on specification oil, or used oil received from household "DIY" generators. The heater must be designed to have a maximum capacity of not more than 0.5 million Btu/hr and the combustion gases must be vented to the ambient air. Wood fired stoves or similar devices employed as oil burning heating devices do not usually meet the requirements of a legitimate space heater; DEQ Air Division will have jurisdiction in making specific device determination.

On specification oil ONLY may also be received from off-site and burned in space heaters. However, the user must be prepared to demonstrate by records or analysis that any used oil received from off-site meets the specification. Otherwise such activities may be considered improper Burner or Incinerator activities for failure to meet the used oil analysis requirement, and will be subject to possible enforcement action.

## **"DIY" household used oil**

"DIY" oil is excluded from the specification requirements and most management standards of Part 279. DIY oil from engine crankcases is not known to exceed used oil specifications in most cases and only in rare cases is DIY oil likely to be contaminated with a material which may cause oil to exceed a specification.

Businesses receiving DIY used oil may manage it by adding it to their own used oil, maintaining it separately for delivery to used oil collectors, or burning it in their on-site space heaters. Businesses collecting DIY used oil should advise their customers of their requirements for accepting their oil. A posted notice to customers stating drop-off hours and procedures, warnings against contaminating their oil with other automotive fluids, and a log-in sheet for participants are recommended. After-hours and uncontrolled drop-offs should be discouraged.

## **Used Oil Transporters**

Used oil transporters are required to submit a Notification as a used oil transporter on an EPA Form 8700-12. Additionally, used oil transporters must comply with applicable DOT requirements found in 49 CFR Parts 171 through 180. Additionally, used oil transporters are required to promptly and properly address any used oil spills that take place during transportation.