



**STATE OF CONNECTICUT
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

79 Elm Street
Hartford CT 06106-5127



<http://dep.state.ct.us>

Arthur J. Rocque, Jr., Commissioner
Bureau of Waste Management

Management of Used Oils in Connecticut

January 1999 DRAFT

The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call 424-3035 or TDD 424-3333.

 Printed on recycled paper: at least 20% post-consumer content 

PREFACE

Why was this document written?

This guidance document has been prepared to answer some frequently-asked questions about the management of used oil, and to provide information about some planned changes to the used oil rules as they apply in Connecticut. While this document serves to establish several important policies with respect to the management of used oil, it is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

Who was this document written for?

The information provided in this guidance document applies primarily to commercial and industrial generators of used oil, and to those who may be involved in the transportation, storage, processing, re-refining, or recycling of used oil. This document also applies to the management of household do-it-yourselfer ("DIY") used oil, although only in certain, limited ways. For more information on this particular type of used oil, please refer to DEP's Used Oil Fact Sheet #9 which is entitled, "Management of Household Do-It-Yourselfer Used Oil."

Is this document the final word on used oil management in Connecticut?

As this document is being written, plans are underway to change the used oil regulations as they apply in Connecticut. Although every effort was made to account for these changes in the content of this document, it is likely that the final, approved version of the used oil regulations will differ in some important ways from those originally proposed by DEP. This, in turn, may have an impact on some of the information provided in this document. As a result, it is DEP's intent to revise and reissue this document once the proposed used oil regulations become final. Persons involved with used oil issues are advised to keep abreast of activities in this area and request a copy of the revised and reissued guidance once it becomes available.

Where Can I Get More Information?

Those who would like more information regarding the management of used oil in Connecticut may contact DEP as follows:

By Mail: State of Connecticut Department of Environmental Protection
Bureau of Waste Management -- Engineering & Enforcement Division
79 Elm Street
Hartford CT 06106-5127

By phone: (860)-424-3023
or toll free 1-888-424-4193

By e-mail: <http://dep.state.ct.us>

TABLE OF CONTENTS

Section Number and Title	Page
1. Regulatory History/Background.....	1
A. The Used Oil Rules that Were First Adopted by DEP in 1990.....	1
B. Major Changes Made to the Federal Used Oil Rules in 1992.....	1
C. DEP's Efforts to Adopt the New Federal Used Oil Rules.....	1
D. The Role of this Guidance Document During the Transition to the New Rules.....	2
2. Overview of DEP's Proposed Used Oil Regulations.....	3
A. General.....	3
B. Generators.....	3
C. Transporters and Transfer Facilities.....	4
D. Processors & Re-Refiners.....	4
E. Burners.....	4
F. Marketers.....	4
3. Interim Policy on Used Oil Pending Adoption of New Regulations.....	5
4. Definition of Used Oil.....	6
5. Analysis and Characterization of Used Oil.....	9
A. Step One--Listed Hazardous Waste.....	10
B. Step Two--Mixtures of Used Oil and Characteristic Hazardous Waste.....	10
C. Step Three--Total Halogen Testing.....	11
D. Step Four--Rebuttal of the Presumption of Mixing.....	12
E. Additional Analyses Required for Used Oils which Are Burned for Energy Recovery.....	13
F. Analysis for PCBs.....	14

6. Proper Application of the Rebuttable Presumption.....	15
A. Incidental Contamination vs. Intentional Mixing.....	15
B. Halogenated Compounds Other than Halogenated Solvents.....	16
C. Use of Knowledge of Process as a Substitute for Analytical Testing.....	16
D. When Does the Rebuttable Presumption Apply?.....	17
E. Exemptions from the Rebuttable Presumption.....	17
7. BTU Value/Sham Recycling.....	19
A. BTU Value under the Former Part 266 Used Oil Standards.....	19
B. BTU Value under the New Part 279 Used Oil Standards.....	19
C. Indicators of Sham Used Oil Recycling.....	20
D. Interim Policy on BTU Value.....	20
E. Recommended Test Methods.....	20
8. Management of Used Oil that Is Disposed of.....	21
A. Disposal of Hazardous Used Oils.....	22
B. Disposal of Non-Hazardous Used Oils.....	22
C. Disposal of Certain Non-Hazardous Used Oil Wastes under a DEP Special Waste Disposal Authorization.....	23
D. Clarification Regarding when Disposal Requirements Begin to Apply.....	23
9. Summary of Part 279 Used Oil Handler Requirements.....	25
A. Generators.....	25
B. Collection Centers and Aggregation Points.....	26
C. Transporters.....	27
D. Transfer Facilities.....	27
E. Processors and Re-Refiners.....	28
F. Burners.....	29
G. Marketers.....	30

10. Compliance with Secondary Containment Requirements.....	32
A. Applicability to Generators.....	32
B. Applicability to Used Oil Collection Centers and Aggregation Points.....	32
C. Applicability to Transporters.....	33
D. Applicability to Other Types of Handlers.....	33
E. Acceptable Secondary Containment Volume.....	33
F. Definition of Impervious.....	34
G. Equivalent Secondary Containment Systems.....	35
H. Relationship of Secondary Containment Standards to Other Requirements.....	35
11. Applicability of Other Laws and Regulations to Used Oil.....	36
A. RCRA Land Disposal Restrictions (“LDRs”).....	36
B. Underground Storage Tank (“UST”) Regulations.....	36
C. The Hazardous Materials Transportation Act (“HMTA”).....	36
D. The Toxic Substances Control Act (“TSCA”).....	37
E. The Clean Water Act.....	37
F. DEP Spill Reporting Requirements.....	38
G. Federal Spill Reporting Requirements.....	38
H. CGS Section 22a-454.....	38
I. Connecticut’s Property Transfer Law.....	38
J. MARPOL 73/78.....	39
K. The Air Permitting Requirements of DEP’s Air Management Bureau.....	39
12. Additional Information on Used Oil.....	40
A. DEP’s Used Oil Fact Sheets.....	40
B. Additional Information from EPA.....	41

ATTACHMENTS: DEP USED OIL FACT SHEETS # 1 THROUGH 12:

- Used Oil Fact Sheet # 1: Proposed DEP Used Oil Regulations.
- Used Oil Fact Sheet # 2: Federal Used Oil Regulations Revised as of July 1, 1994.
- Used Oil Fact Sheet # 3: Flow Charts Illustrating the Regulation of Used Oil in Connecticut.
- Used Oil Fact Sheet # 4: Materials Containing or Otherwise Contaminated with Used Oil.
- Used Oil Fact Sheet # 5: Mixtures of Used Oil and Other Materials.
- Used Oil Fact Sheet # 6: Management of Tank Bottoms.
- Used Oil Fact Sheet # 7: Used Oil Generated from Motor Vehicle Servicing Operations.
- Used Oil Fact Sheet # 8: Used Oil Generated in Industry and Commerce.
- Used Oil Fact Sheet # 9: Management of Household Do-It-Yourselfer Used Oil.
- Used Oil Fact Sheet # 10: Used Oil from Boats, Ships, and Other Watercraft.
- Used Oil Fact Sheet # 11: Used Oil Generated on Farms.
- Used Oil Fact Sheet # 12: List of EPA Used Oil Information Resources.

1 Regulatory History/Background

A. The Used Oil Rules that Were First Adopted by DEP in 1990.

On July 17, 1990, the Department of Environmental Protection issued revised hazardous waste regulations. Located in Regulations of Connecticut State Agencies ("RCSA") Sections 22a-449(c)-11 and -100 through -110, these revised regulations incorporated the federal hazardous waste regulations, including the used oil regulations which had been issued in 1985 under the federal Resource Conservation and Recovery Act ("RCRA") and Used Oil Recycling Act ("UORA"). In particular, RCSA Section 22a-449(c)-106(a)(1) of DEP's revised regulations incorporated the federal regulations in 40 CFR 266 Subpart E for "Used Oil Burned for Energy Recovery." Additionally, Section 22a-449(c)-106(b) of DEP's revised regulations included two more stringent state requirements which had not been included in the federal regulations. These provisions (1) prohibited the burning of used oil in residential boilers and the selling or offering for sale of used oil for burning in residential boilers; and (2) required used oil marketers to have waste analysis plans.

B. Major Changes Made to the Federal Used Oil Rules in 1992.

On September 10, 1992 the U.S. Environmental Protection Agency ("EPA") revised and reissued the federal used oil regulations. These revised regulations superseded the previous 40 CFR 266 Subpart E regulations, and replaced them with new rules which were codified at 40 CFR Part 279. These new Part 279 used oil regulations constituted a major change in the federal regulation of used oil by expanding the scope of the federal rules to include all used oils being recycled (not just those being burned for energy recovery). In addition, these new rules imposed requirements on generators, transporters, and certain types of used oil processors that had not been regulated under the old rules. However, the new Part 279 used oil rules were issued in such a way that they would not be applicable in a given state until that state had formally adopted them, and until the state had been authorized by EPA to administer them. As a result, Connecticut's incorporation of the former Part 266 used oil regulations remained unchanged, and these rules remained in effect in Connecticut.

C. DEP's Efforts to Adopt the New Federal Used Oil Rules.

For some time now, DEP has been engaged in efforts to make the required changes to its regulations and its EPA authorization, so that it may incorporate the new Part 279 used oil regulations. It is anticipated that these changes will be completed sometime in calendar year 1999.

D. The Role of this Guidance Document During the Transition to the New Rules.

This guidance document was prepared to provide compliance assistance to handlers of used oil during the transition period from the former Part 266 used oil regulations to the new Part 279 rules. Included in this document are an overview of the DEP's proposed used oil regulations (Section 2), DEP's interim policy on used oil pending its adoption of the new Part 279 used oil standards (Section 3), guidance on the proper characterization and analysis of used oil (Sections 4 through 7), and more specific guidance regarding certain used oil management activities (Sections 8, 9, and 10). This document also includes an overview of some laws other than RCRA which affect the management of used oil (Section 11), and a listing of additional information resources that are available (Section 12).

2 Overview of DEP's Proposed Used Oil Regulations

DEP's proposed used oil regulations incorporate the new Part 279 used oil regulations as revised to July 1, 1994. DEP's proposed regulations also include a number of more stringent provisions which modify the language in the federal rules or establish additional, state-only requirements. A fact sheet is available from DEP which provides a precise listing of these modifications and additions (see DEP's Used Oil Fact Sheet #1, entitled "Proposed DEP Used Oil Regulations"). However, many of the more significant changes are outlined in Sections A through F below.

A. General.

- ▶ With one exception, intentional mixing of used oil and hazardous wastes is not allowed. The one exception is for mixtures of used oil and hazardous waste which is hazardous only due to the ignitability characteristic of 40 CFR 261.21.
- ▶ EPA's long standing policy regarding the use of a 100 ppm threshold for rebutting the presumption of mixing is incorporated into DEP's proposed regulations.
- ▶ A DEP Used Oil Permit is required for facilities whose principal business is the management of used oil and other waste, and which are engaged in the collecting, storing, or treating of used oil. (Please note that this would not include do-it-yourselfer used oil collection centers or used oil aggregation points.)
- ▶ Facilities which are required to have a DEP Used Oil Permit must comply with certain inspection, personnel training, and closure requirements.

B. Generators.

- ▶ The federal exemption which allows conditionally exempt small quantity generators of hazardous waste (CESQGs) to mix their hazardous waste with their used oil is not incorporated by DEP's proposed regulations. This means that CESQGs are subject to the same rules regarding mixtures of used oil and hazardous waste as any other type of hazardous waste generator.
- ▶ Language is added making it clear that generators must determine the total halogen content of their used oil, and, if necessary apply the rebuttable presumption of 40 CFR 279.10(b)(1)(ii). Records of these analyses are required to be retained for at least three years.
- ▶ Generators who use "knowledge of process" information in applying the rebuttable presumption must retain documentation of such use.

- ▶ Generators of used oil are required to comply with secondary containment standards for used oil stored in tanks and containers in amounts in excess of 55 gallons.

C. Transporters and Transfer Facilities.

- ▶ Used oil transporters are required to comply with the secondary containment requirements of 40 CFR 279.45(d) when transferring used oil from one transport vehicle to another.
- ▶ Used oil transfer facilities are allowed to store used oil for only 10 days (not 35 as allowed in the federal rules).
- ▶ Transporters that utilize “knowledge of process” information in making total halogen determinations must document such use.

D. Processors and Re-Refiners.

- ▶ Processors and re-refiners are required to have full waste analysis plans meeting the requirements of 40 CFR 265.13.
- ▶ Processors and re-refiners that utilize “knowledge of process” information in making total halogen determinations must document such use.
- ▶ Processors and re-refiners are required to test emergency equipment monthly and after each use.

E. Burners.

- ▶ The burning of used oil of any type in residential boilers is, as under DEP’s previous rules, prohibited in Connecticut.
- ▶ Used oil fuels which are burned in Connecticut (including those which are burned in on-site space heaters in accordance with the provisions of 40 CFR 279.23) must have a fuel value of over 5000 BTU per pound.
- ▶ Burners that utilize “knowledge of process” information in making total halogen determinations must document such use.

F. Marketers.

- ▶ The offering for sale of used oil for burning in residential boilers is, as under DEP’s previous rules, prohibited in Connecticut.
- ▶ Used oil fuels which are marketed in Connecticut must have a fuel value of over 5000 BTU per pound.
- ▶ Used oils must be analyzed in order to determine whether or not they meet the fuel specification. Marketers cannot rely solely on “knowledge of process” information in order to make this determination.

3

Interim Policy on Used Oil Pending Adoption of New Regulations

DEP has determined that the new Part 279 used oil regulations (as DEP is proposing to adopt them) will encourage the recycling of used oil while at the same time ensuring that used oils are properly and safely managed. As a result, DEP has decided as a matter of policy to allow persons managing used oil to comply with these proposed used oil rules prior to their becoming effective in Connecticut. However, this policy shall apply only to handlers meeting all three of the following conditions:

- (1) Compliance with all applicable portions of the new Part 279 used oil regulations (not just selected portions of these rules).
- (2) Compliance with the regulations as proposed by DEP (including the modifications and additions to the federal regulations which DEP has proposed).
- (3) Compliance with the DEP's policy interpretations on used oil, including those in this guidance document and in DEP's Used Oil Fact Sheets.

Under this policy, those who elect to comply with the new used oil rules and who are found to be out of compliance with any of the above requirements will be subject to full enforcement under the existing used oil rules (i.e., 40 CFR 266 Subpart E, as incorporated by RCSA Section 22a-449(c)-106(a)(1), and RCSA Section 22a-449(c)-106(b)).

DEP expects that most used oil handlers will choose to comply with the new Part 279 used oil standards in accordance with the policy outlined above. As a result, the remainder of this guidance tends to emphasize the new standards over the old ones. However, in those areas where the old requirements differ significantly from the corresponding requirements under the new Part 279 standards, the guidance has been designed to appropriately alert the reader to this fact.

4

Definition of Used Oil

In order to determine which materials are subject to the proposed used oil regulations, it is important to first define precisely what is meant by the term “used oil.”

With two notable exceptions, the definition of used oil has remained virtually unchanged as EPA moved from the former Part 266 used oil standards to the new Part 279 used oil standards. The two main differences in the definition of used oil are as follows:

- (1) The new Part 279 standards specifically include synthetic oils (the old regulations did not specifically mention them, but EPA interpreted them to be included in the definition as a matter of policy); and
- (2) The new Part 279 standards specifically include materials which contain or are otherwise contaminated with used oil (the old regulations were silent with respect to such materials).

Having noted these two differences, we shall devote no further time to the subject of the definition on used oil under the former Part 266 used oil standards, and focus our attention on the definition under the new Part 279 standards.

Used oil is defined in 40 CFR 279.1 as follows:

“...any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.”

There are two main points to note in this definition. This first point is that the only types of oil that are included in this definition are (1) oils that are refined from crude oil, and (2) synthetic oils. The second point is that in order to meet the definition of used oil, the oil must have been used for some purpose, and as a result of this use become contaminated in some way.

Based on this definition, the following types of oils are considered to be “used oil” (provided, of course, that they are refined from crude oil or are synthetic oils):

- ▶ Used motor (crankcase) oil. This would include used motor oil from gasoline- and diesel-powered automobiles, trucks, boats, locomotives, and heavy equipment. It would also include used motor oil from piston-engined aircraft.

- ▶ Used lubricants. This would include both liquid and semi-solid gear and chain oils, and other types of mechanical lubricants. It would also specifically include used oil from automobile standard transmission gearboxes.
- ▶ Used metalworking fluids and oils. This would include both uncut (i.e., 100% oil) and water-soluble (i.e., emulsified) oils used for cutting, grinding, machining, stamping, quenching, or other similar purposes.
- ▶ Used refrigeration lubricants. This would include those that might be contaminated with chlorofluorocarbons (“CFCs”), or their newer replacements, hydrochlorofluorocarbons (“HCFCs”).
- ▶ Used heat transfer oils. This would include oils used for heating and/or cooling purposes, including those used in laminating, curing, or other industrial processes.
- ▶ Used electrical insulating oils. This would include transformer and capacitor oils, and other types of dielectric oil.
- ▶ Used hydraulic fluids. This would include used brake fluid, automatic transmission fluid, and power steering fluid from gasoline or diesel-powered motor vehicles. It would also include hydraulic oils from heavy equipment, hydraulic lifts, and other types of hydraulic equipment.
- ▶ Used drawing oils. This would include wire and other metal drawing oils.

The definition of used oil also encompasses materials that contain or are otherwise contaminated with used oil.¹ This can include a wide variety of materials, including the following:

- ▶ Spent rags and wipers that contain used oil (including both cloth and paper types).
- ▶ Spent sorbents that contain used oil (including speedi-dri, absorbent pigs, clay, vermiculite, and other types).
- ▶ Used oil filters (including those from motor vehicles, as well as those from other uses).
- ▶ Used equipment, machinery, appliances, and mechanical parts that contain used oil and are being disposed of or recycled.
- ▶ Metal turnings, chips, and scrap metals that contain used oil.
- ▶ Soils which are contaminated with used oil.

¹Although materials containing or otherwise contaminated with used oil are initially classified as used oil, 40 CFR 279.10(c) provides that these materials are no longer regulated as used oils if they have been sufficiently de-oiled so that no visible signs of free-draining oil are present (unless they are burned for energy recovery--in which case they remain subject to regulation as used oils even if they no longer have visible signs of free-draining oil). In order to be deemed as being “burned for energy recovery,” however, these materials must have a fuel value of over 5000 BTU/lb. If they do not meet this fuel value requirement, they fall back out of used oil regulation, and are subject to a full hazardous waste determination in accordance with 40 CFR 262.11. For more information on these matters, please refer to DEP’s Used Oil Fact Sheet #4, entitled “Materials Containing or Otherwise Contaminated with Used Oil.”

- ▶ Wastewaters which contain used oil.²

For more details on how these types of materials are regulated, please refer to DEP's Used Oil Fact Sheet #4, entitled "Materials Containing or Otherwise Contaminated with Used Oil."

While it is important to carefully define what used oil *is*, it is equally important to define what used oil *is not*. Toward that end, the definition of used oil does not include the following:

- ▶ Waste oils that are not "used." Examples of such oils include off-specification virgin oils, virgin oil tank bottoms,³ virgin oil spill cleanup residues, and any other oily wastes in which the oil has not been used for its intended purpose.
- ▶ Non-oil-based vehicle fluids, such as antifreeze and windshield washer fluid. In their pure, unadulterated form, these fluids do not meet the definition of used oil. (Please note, however, that if these types of fluids are inadvertently and unintentionally contaminated with used oil, they could meet the definition of "materials containing or otherwise contaminated with used oil" as described above, and would therefore be subject to regulation as used oils.)
- ▶ Animal and vegetable oils. (Regardless of their use.)
- ▶ Oils which are used as cleaning agents or solely for their solvent properties.

²It should be noted that not every oily wastewater necessarily qualifies for designation as a used oil. In order to be considered a used oil, an oily wastewater must, at a minimum, contain legitimately recoverable amounts of used oil. For complete details on this issue, please refer to Section 7 of this guidance, which is entitled "BTU Value/Sham Recycling."

³Tank bottoms can be subject to widely differing requirements, depending on the type of storage tank from which they are generated, and depending on how they are handled after they are generated. For more information on this topic, please refer to DEP's Used Oil Fact Sheet #6, entitled, "Management of Tank Bottoms."

5

Analysis and Characterization of Used Oil

If a material meets the definition of a "used oil" as described in the previous section, more information is needed to determine whether it may be handled under the used oil regulations, or if it must be handled as a hazardous waste. That is, the generator must perform a hazardous waste determination on the used oil.⁴ With respect to used oils, this process requires four basic steps, as outlined in paragraphs A through D below. Except for the used oil mixtures discussed in paragraph B.1. below and a number of very specific used oils which are listed in 40 CFR 279.10, these steps are the same under both the former Part 266 used oil standards and the new Part 279 used oil standards⁵. Two additional steps which are necessary for used oils that are burned for energy recovery are presented in paragraphs E and F below.

Those who would prefer to see the used oil characterization process in a more visual format should refer to DEP's Used Oil Fact Sheet # 3, which is entitled "Flow Charts Illustrating the Regulation of Used Oil in Connecticut." This fact sheet contains a number of flow charts outlining the characterization of used oil under both the former Part 266 used oil standards, and the new Part 279 standards.

It is very important that the original generator of a used oil properly characterize it, as outlined below. Only by following these steps can the generator ensure compliance with the correct waste management requirements (i.e., used oil or hazardous waste requirements). This process is also very important to ensuring that hazardous wastes are kept out of the recycled used oil stream, where they can inhibit recycling, pose unnecessary hazards to handlers and recyclers, and contaminate recycled oil products. In addition to the original generator of the used oil, each subsequent handler who mixes, treats, or processes the used oil must also properly characterize it.

⁴Although it is not specifically referenced in the used oil regulations, DEP believes that the requirements of 40 CFR 262.11 regarding hazardous waste determinations apply to used oils. The basis for this belief is that the requirements of 40 CFR 262.11 apply to any "person who generates a solid waste," and used oil meets the definition of solid waste. However, the manner in which this requirement applies to used oils differs from that of other solid wastes, by virtue of the specialized requirements they are subject to under 40 CFR 279. This section therefore spells out exactly how DEP believes the hazardous waste determination requirement applies to used oils.

⁵The used oils discussed in Section 279.10 which are subject to special characterization requirements include: (1) materials containing or otherwise contaminated with used oil; (2) mixtures of used oil with products; (3) materials derived from used oil; (4) wastewaters, the discharge of which is subject to regulation under the Clean Water Act; (5) used oil introduced into a crude oil pipeline or a petroleum refining facility; (6) used oil on vessels; and, (7) used oil containing PCBs. Persons managing these types of used oil should refer to 40 CFR 279.10 for the special requirements that apply to these materials. In addition, please note that DEP's proposed used oil regulations do not incorporate one of the provisions listed 40 CFR 279.10 -- namely the one which allows conditionally exempt small quantity generators (CESQGs) to mix hazardous waste with their used oil.

Please note that, in order to ensure that a used oil is properly characterized, Steps One through Four below should be completed *fully* and in the *proper order*.

A. Step One--Listed Hazardous Waste.

The first step in the characterization process is to determine if the used oil is listed as a hazardous waste in 40 CFR 261.31, .32, or .33.⁶ If the used oil meets any of these so-called "listed hazardous waste" designations, then it cannot be managed under the used oil rules, and must be managed as a hazardous waste. In addition, pursuant to the so-called "mixture" and "derived-from" rules of 40 CFR 261.3(b)(2) and (d)(2), the used oil would be classified as a listed hazardous waste if either of the following were true:

- ▶ The used oil had been mixed with a listed hazardous waste (for example, if it had been mixed with listed hazardous waste solvents);⁷ or,
- ▶ The used oil was derived from a listed hazardous waste (for example, the used oil was generated from the treatment of a listed hazardous waste).

If the used oil is classified as a listed hazardous waste by any of the above criteria, the remainder of the used oil characterization process would not apply, and there would be no need to proceed to step two below.⁸ However, if the used oil is not a listed hazardous waste, then the reader should proceed to step two.

B. Step Two--Mixtures of Used Oil and Characteristic Hazardous Waste.

If it has been determined that the used oil is not subject to regulation as a listed hazardous waste, then the next step is to determine if it has been mixed with a characteristic hazardous waste (i.e., a waste that meets any of the hazardous waste designations defined in 40 CFR 261.21 through 261.24 for ignitability, corrosivity, reactivity, or toxicity).⁷

If the used oil has not been mixed with characteristic hazardous waste, then there is no need for further assessment under this step, and the reader may proceed directly to step three below.

⁶Although it is uncommon for used oils to be a listed hazardous waste outright, it is possible. For example, quenching oil baths from metal heat treating operations where cyanides are used in the process fall under the listed hazardous waste code F010. It is therefore important to check these listings and make sure that the used oil does not meet any of these listed hazardous waste categories.

⁷Please note that, with one exception, DEP's proposed used oil regulations do not allow the *intentional* mixing of hazardous wastes with used oil. The one exception is for hazardous wastes which are hazardous *only* for the ignitability characteristic (see Section B(1) below for more on these mixtures). However, *unintentional* mixing (which can occur as the result of certain process design considerations) is not prohibited under DEP's proposed rules.

⁸In such cases, the waste must be evaluated to determine if it exhibits any of the characteristics of hazardous waste as defined in 40 CFR 261.21 through 261.24, and managed in accordance with all applicable hazardous waste requirements.

However, if the used oil has been mixed with a characteristic hazardous waste, further assessment is required in order to determine whether the mixture may be managed as a used oil, or if it must be managed as a hazardous waste.⁹ This assessment can take on one of two different forms, depending on the exact type of characteristic hazardous waste the used oil was mixed with:

(1) *Mixtures of Used Oil and Ignitable-Only Characteristic Hazardous Waste.*

If the used oil is mixed with a waste which is hazardous only due to its being ignitable as defined in 40 CFR 261.21, the generator must analyze the mixture to determine if it still exhibits the characteristic of ignitability. If the mixture still exhibits the ignitability characteristic, then it must be managed as an ignitable hazardous waste. However, if the mixture no longer exhibits the ignitability characteristic, then it may be managed as a used oil.

(2) *All Other Mixtures of Used Oil and Characteristic Hazardous Waste.*

If the used oil is mixed with a waste which exhibits a characteristic other than ignitability, or that exhibits any characteristic in addition to ignitability, the mixture must be evaluated for all characteristics (not just ignitability). If the mixture exhibits any characteristic, it must be managed as a hazardous waste. If it exhibits not exhibit any characteristic, it may be managed under used oil standards.¹⁰

C. Step Three--Total Halogen Testing.

If the results of both step one and step two are that the used oil does not have to be handled as a hazardous waste, then the next step in the characterization process is to determine the total halogen content of the used oil. This is typically done by obtaining a sample of the used oil, and having this sample analyzed for total halogens by any one of the following analytical methods:

- ▶ EPA Methods 9075, 9076, or 9077, as described in EPA Publication Number SW-846, "Test Methods for Evaluating Solid Waste -- Physical/Chemical Methods," Edition III.
- ▶ EPA Method 5050, coupled with either Method 9056 or Method 9253 (all of which are also from EPA Publication Number SW-846).

⁹Please note that materials which may be ignitable-only before use may easily acquire other hazardous waste characteristics during use, and therefore no longer be ignitable-only. For example, if an ignitable-only parts washer solvent is used to clean metal parts, it could acquire contaminants such as chromium or lead in excess of TCLP limits (thereby making it a toxic as well as ignitable hazardous waste). In this case, the parts washer solvent could no longer be mixed with used oil, since it would no longer be ignitable-only.

¹⁰Please note that the actual source of the hazardous constituent(s) does not matter with respect to this assessment. All that matters is whether or not the resulting mixture exhibits a characteristic of hazardous waste. To better illustrate this principle, suppose a generator mixes a hazardous waste which exceeds the toxicity characteristic for barium, and a used oil which is high in lead. If the resulting mixture exceeds the toxicity characteristic only for lead, it would still be a hazardous waste, even though the lead came from the used oil rather than the hazardous waste.

- ▶ ASTM Method D808-95. ASTM methods are published in bulletins issued by the American Society for Testing and Materials. Copies of these bulletins may be obtained (for a fee) by calling ASTM at (610) 832-9500.

In some cases, “knowledge of process” information may be used in place of one of the above analytical methods in order to determine the total halogen content of the used oil. The types of information which may fall into this category include Material Safety Data Sheets (“MSDSs”), product specifications, technical information about the materials or processes used, and alternative laboratory methods. In addition, legitimate analytical results obtained from the previous handler of a used oil may be accepted as valid “knowledge of process” information. In any case, however, DEP cautions that “knowledge of process” may only be used when it is appropriate and fully documented.¹¹

Regardless of which of the above methods is used, if the used oil is found to have total halogens of 1000 parts per million (ppm) or less, then the used oil may be managed under the used oil regulations. In this case, the characterization of the used oil is complete, and there is no need to proceed to step four below.

However, if the used oil is found to have total halogens of greater than 1000 ppm, it is presumed to have been mixed with listed hazardous waste. This is true even if there is no immediately identifiable source of listed hazardous waste contamination. Unless it can be demonstrated that mixing has not occurred (by the method outlined in step four below), the used oil must be managed as a listed hazardous waste.

D. Step Four--Rebuttal of the Presumption of Mixing.

The presumption that a used oil containing over 1000 ppm total halogens has been mixed with a listed hazardous waste may be rebutted by demonstrating that the used oil does not contain hazardous waste. This may be done by using an analytical method from EPA document SW-846 to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261 Appendix VIII. Other methods or techniques may also be employed to rebut the presumption of mixing. See Section 6 of this guidance for more complete details regarding the proper application of the Rebuttable Presumption.

If the presumption of mixing can be rebutted in this manner, then the used oil may be managed under the used oil regulations. However, if the presumption of mixing cannot be rebutted, then the used oil must be managed as a listed hazardous waste.

¹¹For further guidance on the proper use of knowledge of process, see Section 6.C. below. Guidance on this subject is also available in a separate DEP fact sheet entitled “Hazardous Waste Determinations/Knowledge of Process.”

E. Additional Analyses Required for Used Oils which Are Burned for Energy Recovery.

The analyses described in paragraphs A. through D. above are required for all types of used oils, and for all types of used oil handlers. However, there is one more type of analysis which is required for used oils which are to be burned for energy recovery. Unlike the above analyses, this analysis does not have to be performed by each and every handler of the used oil. Rather, it only has to be performed by the person who is the first to claim that the used oil is an on-specification used oil, as defined in 40 CFR 279.11. This declaration that a used oil is on-specification is important, since it has the effect of releasing the used oil from further regulation, and makes it essentially equivalent to any other fuel which is marketed for commercial or industrial use.¹²

(1) On-Specification Used Oil which Is Burned for Energy Recovery:

In order to be declared an on-specification used oil fuel, the used oil must be analyzed for the parameters identified in the following table. As long as the used oil does not exceed any of the limits identified in this table, it would qualify as an on-specification used oil fuel and would be released from further regulation as a used oil.

--Used Oil Specification--

Constituent or Property	Allowable Level	Suggested Analytical Method(s)*
Arsenic	5 ppm maximum	EPA Methods 7060A, 7061A, 7062, 6010B, or 6020.
Cadmium	2 ppm maximum	EPA Methods 7130, 7131A, 6010B, or 6020.
Chromium	10 ppm maximum	EPA Methods 7190, 7191, 6010B, or 6020.
Lead	100 ppm maximum	EPA Methods 7420, 7421, 6010B, or 6020.
Flash Point	100°F minimum	EPA Methods 1010 or 1020A.
Total Halogens ¹³	4,000 ppm maximum	(Same methods as in paragraph C. above)

*All methods from SW-846 unless otherwise specified. Methods must be selected so as to ensure detection limits which are below the corresponding fuel specification limits. Appropriate digestion methods (such as EPA Methods 3051 or 3052) must also be utilized in order to prepare samples for the metals analyses.

¹²Please note that both current and proposed DEP regulations prohibit the burning of used oil in residential boilers, as well as the selling or offering for sale of used oil for burning in residential boilers. Unlike most of the other used oil requirements, these requirements continue even after a used oil is declared to be "on-specification." As a result, used oil fuels may only be burned in commercial or industrial boilers in Connecticut.

¹³This total halogen testing should not be confused with the total halogen testing described in paragraph C. above. The total halogen testing referred to in paragraph C. relates only to the issue of whether or not the used oil is presumed to have been mixed with listed hazardous waste. This second round of total halogen testing is done only to determine whether or not it may be classified as an on-specification used oil when burned for energy recovery.

It should be noted that, pursuant to a special provision in DEP's proposed used oil regulations, there is one additional fuel specification parameter that applies to used oil fuels that are marketed or burned in Connecticut. That parameter is BTU value. As noted in Sections 2.E. and 2.F. of this guidance, such used oils must have fuel values greater than 5000 BTU per pound.

(2) Off-Specification Used Oil which Is Burned for Energy Recovery:

If a used oil that is to be burned for energy recovery exceeds any of the criteria in the above table, it is deemed an *off-specification used oil*.¹⁴ While such a used oil may still be burned as a fuel, it is not released from further regulation the way an on-specification used oil would be. Rather, it continues to be subject to used oil requirements up to and including the point that it is actually burned. This means that any transporters, receiving facilities, processors, etc. who that handle the used oil from the generator through the burner of the used oil are fully subject to all applicable used oil management requirements. In addition, as with on-specification used oils, off-specification used oils that are marketed or burned in Connecticut must have fuel values greater than 5000 BTU per pound.

F. Analysis for PCBs.

In addition to the analyses required above, federal regulations issued pursuant to the Toxic Substances Control Act ("TSCA") require a determination of the polychlorinated biphenyls ("PCB") content of used oils which are burned for energy recovery. For more information on these requirements, see Section 11.D. of this guidance.

¹⁴Please note that if a used oil that is to be burned for energy recovery is not analyzed for the fuel specification parameters, it must be presumed to be an off-specification used oil.

6

Proper Application of the Rebuttable Presumption

As indicated in the previous section, a used oil having total halogens of greater than 1000 parts per million ("ppm") is presumed to have been mixed with a listed hazardous waste. However, this presumption of mixing may be rebutted by demonstrating that the used oil does not contain hazardous waste. The purpose of this section is to clarify precisely how such a rebuttal may be performed. With the exception of the two very limited exemptions described in paragraph E. below, this process is the same under both the former Part 266 used oil standards, and the new Part 279 used oil standards.

The simplest and most straight-forward way to rebut the presumption of mixing is to obtain a representative sample of the used oil and have it analyzed for listed halogenated solvents (i.e., those solvents associated with EPA waste codes F001 and F002). The recommended test method for this analysis is EPA Method 8021B.¹⁵ This test method is described in EPA Publication Number SW-846, "Test Methods for Evaluating Solid Waste -- Physical/Chemical Methods," Edition III. If the results of this testing indicate that the used oil contains no individual listed halogenated solvent at a concentration of greater than 100 ppm, then the presumption of mixing would have been successfully rebutted. However, if any individual listed halogenated solvent is present at 100 ppm or more, the rebuttal would have been unsuccessful, and the used oil would have to be managed as a listed hazardous waste.

The approach outlined above (hereafter referred to as "the 100 ppm method") may be attempted in most cases in which used oils have total halogens exceeding 1000 ppm. However, there are some important exceptions and clarifying points which handlers of used oil should keep in mind when using the 100 ppm method. These points are outlined in paragraphs A through E below.

A. Incidental Contamination vs. Intentional Mixing.

It must be stressed that the 100 ppm method may only be used in cases in which it is known that used oils have not been mixed with listed hazardous wastes. In cases where mixing is known to have occurred, the used oil must be handled as a hazardous waste *regardless of the actual amount of listed hazardous wastes that are present*. For example, if small amounts of several different spent chlorinated degreasing solvents are added to a tank of waste oil, the resulting mixture must be handled as a listed hazardous waste even if the concentration of any individual solvent in the mixture does not exceed 100 ppm.

¹⁵Please note that EPA Method 8010, which had been listed in previous editions of SW-846 as an approved method for chlorinated volatile organic compounds, has been discontinued. Its use in assessing used oils for the presence of listed halogenated solvents is therefore not recommended.

EPA established the 100 ppm method as a matter of policy, to address situations in which no mixing was known to have occurred and in which listed halogenated solvents had nevertheless been detected. EPA felt that concentrations below 100 ppm were most likely the result of incidental contamination resulting from drips or de minimis drag-out from other processes, whereas concentrations above 100 ppm were more likely to be indicative of mixing with listed hazardous waste.

B. Halogenated Compounds Other than Halogenated Solvents.

The 100 ppm method is intended only to address incidental contamination by listed halogenated solvents (e.g., methylene chloride, 1,1,1-trichloroethane, trichloroethylene, tetrachloroethylene, etc.). It is not applicable for other types of halogenated hazardous wastes that may be found in used oil. For instance, if the halogenated compound in question were a chlorophenoxy pesticide rather than a halogenated solvent, use of the 100 ppm method would not be appropriate.

C. Use of Knowledge of Process as a Substitute for Analytical Testing.

The rebuttable presumption provisions in the new Part 279 used oil regulations allow handlers to substitute “knowledge of the halogen content of the used oil in light of the materials or process used” for actual analytical testing. Referred to simply as “knowledge of process,” this alternative to testing can be used in certain circumstances to rebut the presumption of mixing, but only when its use is appropriate, and properly documented.¹⁶

Some examples of appropriate use of knowledge of process would include the following:

- ▶ Documentation verifying that the generator of the used oil uses no materials which contain listed halogenated solvents, in conjunction with information identifying the true source of the halogens.
- ▶ Analytical results for the used oil from the previous handler of the used oil (see paragraph D below regarding applicability of the Rebuttable Presumption as used oil passes from one person to the next).
- ▶ Documentation verifying that a given quantity of used oil consists solely of household Do-It-Yourselfer (“DIY”) oil. The reasoning here is that even if listed halogenated solvents were present, they would be exempt as household hazardous waste, thus making it impossible for the used oil to have been mixed with listed hazardous waste.

Some examples of inappropriate use of knowledge of process would include the following:

- ▶ Use solely of Material Safety Data Sheet (MSDS) information. Although MSDS information can be useful in documenting potential sources of halogens, it often cannot

¹⁶For further guidance on the proper use of knowledge of process, please refer to the DEP fact sheet entitled “Hazardous Waste Determinations/Knowledge of Process.”

account for contamination or mixing that may have occurred during use. As a result, some level of testing is often still necessary in order to rebut the presumption of mixing.

- ▶ Use solely of documentation that chlorinated paraffins are used. Although the presence of chlorinated paraffins can in many cases be the sole cause of high total halogens, there is still the possibility that contamination or mixing may have occurred during use. As a result, some level of testing is often still necessary in order to rebut the presumption of mixing.
- ▶ Use of outdated information (i.e., raw material or process changes have occurred, or other information forming the basis for a knowledge of process claim has become out of date).

In addition, please note that knowledge of process claims may be invalidated if the results of sampling performed by DEP (or any other valid sampling results) indicate the presence of any individual listed halogenated solvent at concentrations of greater than 100 ppm.

D. When Does the Rebuttable Presumption Apply?

DEP's proposed used oil regulations specify that Rebuttable Presumption requirements apply to generators, transporters, transfer facilities, and processors and re-refiners. As a result, the requirement to check halogen content and (if necessary) rebut the presumption of mixing applies at each of the following points:

- ▶ When the used oil is first generated; and
- ▶ When a transporter accepts the used oil;¹⁷ and
- ▶ When a used oil transfer facility or a used oil processor or re-refiner accepts the used oil.

Although DEP recommends that used oil be tested each time it moves from one of the above parties to the next, such analysis is not always necessary. The provisions of paragraph C above regarding knowledge of process may be used as a substitute for such testing (provided that such use is appropriate and is properly documented). Once a used oil is recycled or blended into a fuel which meets the fuel specification, however, the rebuttable presumption no longer applies.

E. Exemptions from the Rebuttable Presumption.

Under the new Part 279 used oil regulations, there are two types of used oil which are exempt from the Rebuttable Presumption. These two types of used oil, which are listed in 40 CFR

¹⁷A clarification regarding transporters who collect shipments from multiple generators in the same tanker load (commonly referred to as "milk runs"). Such transporters must either test the used oil from each generator for total halogens (and if necessary rebut the presumption) or obtain analyses or appropriate knowledge of process information from each generator in order to ensure that the entire tanker load is not rendered hazardous through mixing. Such information may also be used at the time of off-loading to fulfill the total halogen testing and rebuttable presumption requirements of the receiving facility.

279.19(b)(1)(ii), do not have to be subjected to the 100 ppm method in order to be handled as used oils (even if their halogen content exceeds 1000 ppm):

- ▶ Used metalworking fluids containing chlorinated paraffins, if they are reclaimed via a tolling agreement as described in 40 CFR 279.24(c).¹⁸ However, this exemption does not apply to metalworking oils/fluids if they are recycled in any other manner (such as fuel blending), or if they are disposed of.
- ▶ Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. However, if used oil of this type is mixed with used oil from other sources, this exemption no longer applies.

¹⁸Please note that, provided all of the other conditions of the tolling agreement provision are complied with, DEP interprets this provision to include situations in which a company generates chlorinated metalworking fluids at one of its facilities and reclaims them at another of its facilities.

7

BTU Value/Sham Recycling

An important but often overlooked issue with respect to used oil management is the issue of fuel value, or "BTU value" as it is sometimes called (since it is typically measured in units of BTUs per pound). Outlined below is DEP's policy regarding this issue, both under the former Part 266 used oil standards, and under the new Part 279 used oil standards.

A. BTU Value under the Former Part 266 Used Oil Standards.

In 1983, EPA issued an important policy regarding waste-derived fuels.¹⁹ This policy established a fuel value of 5000 BTU per pound as the benchmark for distinguishing legitimate recycling from sham recycling as it applied to waste-derived fuels. Although it has never been specifically referenced in DEP's regulations, DEP considers this policy to apply in Connecticut. Furthermore, it is DEP's belief that this policy applies specifically to used oils under the former Part 266 used oil standards, as they were adopted by DEP.

This means that under the former Part 266 standards, any used oil which does not have a fuel value greater than 5000 BTUs per pound as generated could not be considered a legitimate fuel. As a result, such a used oil could not appropriately be handled under the regulations for used oil burned for energy recovery, and would thus be subject to a full hazardous waste determination. If the results of this determination indicated that the used oil was hazardous, it would be fully subject to regulation as a hazardous waste.

B. BTU Value under the New Part 279 Used Oil Standards.

The new Part 279 used oil regulations are by design broader in scope. As a result, these rules encompass not only those used oils which are burned for energy recovery, but also those that are recycled in other ways. And, unlike the former Part 266 regulations, they specifically include oily wastewaters and other low-BTU wastes within the definition of used oil. DEP intends to incorporate these provisions of the federal rule in their entirety. However, this does not mean that BTU value will cease to be an issue once the Part 279 standards are adopted in Connecticut. In particular, BTU value will continue to be an important indicator of legitimate recycling with respect to the production of used oil fuels. In light of this, and pursuant to a more stringent standard being proposed by DEP, any and all used oil fuels marketed or burned in Connecticut

¹⁹This policy, which was dated March 8, 1983 and published in the Federal Register on March 16, 1983, may be found in the Federal Register at Volume 48, No. 52, pages 11157 through 11160.

must have fuel values of greater than 5000 BTU per pound. This specifically includes generators that burn their own used oil on-site in space heaters, as provided for in 40 CFR 279.23.

C. Indicators of Sham Used Oil Recycling.

Regardless of whether used oils are managed under the former Part 266 used oil standards or the new Part 279 standards, DEP believes that the potential exists for sham recycling of used oil and other types of oily wastes that meet the definition of used oil. Therefore, when dealing with used oils within its inspection and enforcement functions, DEP will look for the following potential indicators of sham recycling of used oil:

- ▶ Only trace amounts of oil are present (i.e., much less than 1%).
- ▶ The used oil is not legitimately recyclable (i.e., the usable oil fraction cannot be recovered or can be recovered only in de minimis amounts).
- ▶ There is no known market or disposition for the used oil (i.e., no way to recycle it).
- ▶ The used oil is stored for excessive periods of time without being recycled.
- ▶ There has been intentional mixing solely for the purposes of avoiding regulation as hazardous waste, or to reduce disposal costs.
- ▶ The used oil has become contaminated through the addition of other wastes or materials rather than through being used for its intended purpose.

In cases where there is substantial evidence that sham recycling has occurred, DEP will pursue enforcement accordingly. In such cases, the materials in question will not be evaluated as used oils, but as potentially hazardous wastes. If tested and found to be hazardous, any violations of hazardous waste regulations with respect to the management of the material will be pursued through appropriate enforcement.

D. Interim Policy on BTU Value.

In Section 3 of this guidance document, a policy is set forth by which used oil handlers will be allowed to comply with the new Part 279 standards in advance of their formal adoption by DEP. This policy also extends to the issue of BTU value. Generators and other handlers of used oil may therefore handle low-BTU used oils under used oil requirements, as provided for in the new Part 279 standards, as long as they meet the requirements of this policy.

E. Recommended Test Methods.

For the purposes of testing used oils for BTU value, DEP recommends the use of ASTM Methods D2015-96, D3286-96, or D808-95. ASTM methods are published in bulletins issued by the American Society for Testing and Materials. Copies of these bulletins may be obtained (for a fee) by calling ASTM at (610) 832-9500.

8

Management of Used Oil that Is Disposed of

Occasionally, a used oil cannot be recycled and must therefore be sent for disposal.²⁰ Some examples of used oils which might require disposal include:

- ▶ used oils containing total halogens over 1000 parts per million, for which the presumption of mixing cannot be rebutted;
- ▶ used oils which have been mixed with listed hazardous waste, or which have been mixed with characteristically hazardous waste such that they are still hazardous; and,
- ▶ used oils which are in a physical form which makes them difficult or impossible to recycle (for example, oil-soaked sorbents or heavily emulsified oils).

The former Part 266 used oil regulations only addressed used oils which were being burned for energy recovery and did not address the issue of used oils being sent for disposal. However, the new Part 279 used oil regulations do include provisions which address this issue. Located in Subpart I of the new rules (i.e., 40 CFR 279.80 through 279.82), these provisions essentially defer used oils which are being disposed of from regulation under the Part 279 requirements, thereby reverting them to the main body of RCRA regulation (i.e., 40 CFR 260 through 265). As a result, such used oils are treated in the same way as any other type of potentially hazardous waste.

As a result of this provision, issues such as total halogen concentrations and the rebuttable presumption (which are integral to the characterization of used oils which are recycled) do not apply to used oils when they are being disposed of. Such used oils must be assessed in exactly the same way as any other potentially hazardous waste, and are subject to a full hazardous waste determination, pursuant to 40 CFR 262.11. In particular, non-recyclable used oils would be subject to the Toxicity Characteristic Leaching Procedure, or "TCLP" (which recycled used oils are usually not subject to). In addition, a flash point determination will in most cases be required in order to determine if the used oil is an ignitable hazardous waste. Other analyses may also be appropriate for certain types of used oils. For more information on how to properly perform a hazardous waste determination, please refer to a separate DEP fact sheet entitled "Hazardous Waste Determinations/Knowledge of Process." This document may be obtained by contacting

²⁰While the concept of what constitutes "disposal" might seem to be straight-forward, it merits some clarification. Disposal includes activities such as landfill disposal, application to the land, and *incineration*. The latter of these should not be confused with *burning for energy recovery*, which is not considered disposal, but rather a form of legitimate used oil recycling. While the differences between these two activities involve some nuances and complexities that cannot be discussed in detail here, the basic difference between the two is essentially as follows: *incineration* is done for the purpose of destruction, and any energy that is recovered is ancillary to the destruction process; *burning for energy recovery*, on the other hand, is done primarily to recover energy value from a material, and the destruction of the fuel is secondary.

DEP at the mailing address or telephone number listed at the beginning of this guidance document.

Subpart I of the new Part 279 used oil regulations also addresses the issue of used oil which is used as a dust suppressant. Simply put, such use is banned, unless an authorized state specifically petitions EPA to allow it (and only then if EPA approves this petition). While Connecticut is an authorized state under RCRA, DEP has no intention of filing a petition to allow the use of used oil as a dust suppressant. Instead, because of its potential to pollute soil, ground, and surface waters, DEP considers this prohibition to be appropriate. In addition, pursuant to provisions such as those contained in Connecticut General Statutes Section 22a-432, this practice is currently illegal under State law.

Once a proper hazardous waste determination has established whether a used oil being disposed of is hazardous or non-hazardous, the applicable disposal requirements can be determined. These disposal requirements are outlined in paragraphs A through D below.

A. Disposal of Hazardous Used Oils.

If tested and found to be hazardous, a used oil being disposed of would be subject to the same requirements as any other hazardous waste being sent for disposal. The generator of the used oil would have to comply with the relevant generator requirements based on its hazardous waste notification status (i.e., whether it was a large quantity generator, small quantity generator, or conditionally exempt small quantity generator). This would include the relevant generator accumulation time limit, hazardous waste tank and container storage requirements, marking and dating requirements, inspection requirements, contingency plan and/or emergency planning requirements, and personnel training requirements. In addition, each shipment of the used oil must be accompanied by a properly filled-out hazardous waste manifest, along with the proper notifications and/or certifications under the Land Disposal Restrictions ("LDRs") of 40 CFR 268. The used oil would also have to be shipped via a permitted hazardous waste hauler to a permitted hazardous waste treatment, storage, or disposal facility ("TSDF").

In addition to the above, if the hazardous used oil is going to be burned in a boiler or industrial furnace ("BIF"), it would be subject to the requirements of 40 CFR 266 Subpart H.

B. Disposal of Non-Hazardous Used Oils.

If tested and found to be non-hazardous, a used oil being disposed of would not be subject to the hazardous waste generator requirements outlined above. However, except as provided in paragraph C below, such a used oil *would* remain subject to the requirements of Connecticut General Statutes ("CGS") Section 22a-454. This statute requires used oil haulers to have transporter permits, and also requires operating permits for certain types of facilities that receive and store, treat, or dispose of used oil.

For more information on the requirements of CGS Section 22a-454, please refer to paragraph H in Section 11 of this guidance document.

C. Disposal of Certain Non-Hazardous Used Oil Wastes under a DEP Special Waste Disposal Authorization.

It may be possible to dispose of certain types of used oil wastes in a solid waste landfill or incinerator in Connecticut under a *Special Waste Disposal Authorization* from DEP ("SWDA"). The most likely candidates for an SWDA would be materials containing or otherwise contaminated with used oil, such as spent absorbents, rags and wipers, contaminated soils, and wastewater treatment sludges. However, in order for DEP to issue an SWDA, the waste in question meet all of the following requirements:

- ▶ It must meet the definition of a "special waste," which is defined in RCSA Section 22a-209-1 as "...the following wastes, so long as they are not hazardous wastes pursuant to section 22a-115 of the General Statutes, or radioactive material subject to section 22a-148 of the General Statutes: (1) water treatment, sewage treatment or industrial sludges, liquid, solids and contained gases; fly ash and casting sands or slag; and contaminated dredge spoils; (2) scrap tires; (3) bulky waste, as defined in this section; (4) asbestos; (5) residue; and (6) biomedical waste."
- ▶ It must have been properly tested and found to be non-hazardous.
- ▶ It must be in a solid form, and contain no free liquids.

An SWDA may either be obtained on a one-time basis for a specific waste to be disposed of at a specific solid waste disposal facility, or may be obtained in a more broad-based, blanket form for a whole class of similar wastes being disposed of over an extended period of time at a specific solid waste facility. Regardless of which type is requested, however, a \$350 fee is required.

Solid, non-hazardous used oil wastes which are not special wastes may be disposed of at a solid waste facility without an SWDA, provided such disposal is consistent with the facility's solid waste permit, and provided it conforms with any applicable local requirements. One example of a used oil waste which is not considered a special waste when disposed of is non-hazardous, properly drained, used automotive oil filters.

For more information about SWDAs, or to find out if a SWDA is required for a specific waste stream, please call DEP's Waste Engineering & Enforcement Division at (860) 424-3372.

D. Clarification Regarding when Disposal Requirements Begin to Apply.

As should be clear from that above paragraphs, the disposal of used oil drastically changes the regulatory requirements that it is subject to. It is therefore important to clarify exactly when this

change in regulatory status occurs, so that used oil handlers may maintain full compliance with any and all applicable requirements.

The former Part 266 used oil regulations did not specify a point in time at which a used oil would become subject to disposal standards. However, as a matter of policy, DEP considers this to occur when the handler of the used oil makes the decision to dispose of the used oil (or, if sooner, when the handler first knows or should know that the used oil can or will not be recycled by being burned for energy recovery).

The new Part 279 used oil regulations include a concept known as the "presumption of recycling," by which used oils are presumed to be recycled unless they are actually disposed of or are shipped off-site for disposal. Under this provision, the point at which a used oil becomes subject to disposal requirements is much clearer than it was under the former Part 266 regulations, and may be broken down into the two following scenarios:

- (1) If shipped off-site for disposal (the more likely scenario), the used oil becomes subject to disposal requirements at the actual time of shipment;
- (2) If disposed of on-site (unlikely, unless the facility is a permitted for such disposal), the used oil becomes subject to disposal requirements at the point it is actually disposed of.

As a result, used oils which are in storage at the generation site, or which are being stored by a used oil transporter, transfer facility, processor/re-refiner or burner, remain subject to used oil standards up until the time that disposal or off-site shipment actually occurs (at which point the used oil becomes subject to any and all disposal requirements as outlined in paragraphs A. through C. above).

9

Summary of Part 279 Used Oil Handler Requirements

Sections 4 through 8 above were designed to guide handlers of used oil through the process of determining which of their waste streams are subject to used oil requirements, and which may instead be subject to hazardous waste requirements. Once this sorting-out process has been completed, the next important step for the handler is to ensure that all those waste streams which have been found to be subject to regulation as used oils are managed in full compliance with the applicable used oil handler requirements.

This section is designed to provide assistance with this next step. Outlined in paragraphs A through G below are descriptions of the seven major types of used oil handlers which are regulated under the new Part 279 used oil regulations, and a summary of the associated regulatory requirements for each one. In preparing this guidance document, it was felt that a summary of the handler requirements under the former Part 266 used oil regulations was unnecessary, since:

- (1) most of the seven handler types (i.e., generators, collection centers and aggregation points, transporters, transfer facilities, and processors and re-refiners) were essentially unregulated under the old rules (leaving nothing to discuss); and,
- (2) the requirements for the other two handler types (i.e., burners and marketers) have remained essentially the same under the new rules as the old ones.

While some handlers may only fall into only one of the seven handler types specified below, many may fall under two or more of these sets of requirements. Handlers should ensure that they are complying with all of the used oil requirements that may apply to them based on their used oil activities.

Please note that the descriptions below are intended only as a helpful outline of handler requirements, and were not intended to comprehensively list all the requirements that apply to each handler type. It is always the responsibility of persons involved in the management of used oil to read and become familiar with the regulations, and ensure that they comply with all applicable provisions thereof.

A. Generators (40 CFR 279 Subpart C).

A used oil generator is defined in 40 CFR 279.20(a) as “any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.” This may not only include the entity from whose facility or process the original used oil was generated, but can also include those who may later treat or process the original waste stream to create a newly generated used oil.

Certain types of used oils, however, are specifically exempt from used oil generator requirements. As indicated in 40 CFR 279.20(a)(1) through (a)(4), household "Do-It-Yourselfer" used oil, used oil generated in vessels at sea or port, mixtures of used oil and diesel fuel, and used oil generated on small farms, are not subject to used oil generator requirements.²¹

Under the new Part 279 used oil regulations, generators of used oil (who are not exempt as described above) are subject to the following requirements:

- ▶ The hazardous waste mixing and rebuttable presumption requirements of 40 CFR 279.21.
- ▶ The requirements for used oil storage, including the allowed types of storage units, condition of storage units, labeling, and response to releases, as specified in 40 CFR 279.22.
- ▶ The requirements for on-site burning in space heaters, as specified in 40 CFR 279.23.
- ▶ The requirements for off-site shipments, as specified in 40 CFR 279.24.

In addition, certain more stringent provisions in DEP's incorporation of the Part 279 regulations modify these federal rules in the several important ways. For a summary of these changes, please see Sections 2.A. and 2.B. of this guidance document.

B. Collection Centers and Aggregation Points (40 CFR 279 Subpart D).

These include the following very narrowly-defined types of facilities:

- ▶ Do-it-Yourselfer Used Oil Collection Centers (which only accept used oil from household do-it-yourselfers);
- ▶ Used Oil Collection Centers (which only accept used oil from generators in shipments of 55 gallons or less; and
- ▶ Used Oil Aggregation Points (which only accept used oil from other generation sites owned or operated by the same company in shipments of 55 gallons or less).

Provided that these facilities meet the eligibility criteria specified in 40 CFR 279.30, 279.31, and 279.32 respectively, they would be subject only to the used oil generator standards as described in paragraph A. above. They would not be subject to transfer facility standards or processor standards, as would be required for other facilities that accept used oil from off-site.

²¹Please note the following: (1) although the original generators of household Do-It-Yourselfer and small farm oil are not subject to used oil requirements, any subsequent handlers of the used oil are; (2) used oil generated in vessels at sea or at port become subject to regulation when they are transferred ashore (for more on this subject, see Used Oil Fact Sheet # 10, "Used Oil from Boats, Ships, and Other Watercraft"); and (3) used oil which is mixed with diesel fuel is subject to regulation up until the time that it is mixed.

C. Transporters (40 CFR 279 Subpart E).

Used oil transporters are defined in 40 CFR 279.40(a) as “persons who transport used oil, persons who collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.”

Transporters are subject to the following used oil requirements:

- ▶ The import and export requirements of 40 CFR 279.40(b).
- ▶ The requirements regarding the proper emptying of trucks which have been previously used to transport hazardous waste, as specified in 40 CFR 279.40(c).
- ▶ Provisions regarding consolidation and aggregation of loads, incidental processing, and certain related issues, as specified in 40 CFR 279.41.
- ▶ The requirement to notify EPA of used oil activities and obtain an EPA ID number, as specified in 40 CFR 279.42.
- ▶ The requirements regarding the disposition of deliveries of used oil, compliance with federal DOT requirements, and responses to discharges of used oil, as specified in 40 CFR 279.43.
- ▶ The rebuttable presumption requirements of 40 CFR 279.44.
- ▶ The used oil tracking requirements of 40 CFR 279.46.
- ▶ The requirements of 40 CFR 279.47 regarding the management of residues.

In addition, certain more stringent provisions in DEP’s incorporation of the Part 279 regulations modify these federal rules in the several important ways. For a summary of these changes, please see Sections 2.A. and 2.C. of this guidance document.

D. Transfer Facilities (40 CFR 279 Subpart E).

As noted in paragraph C above, a transfer facility is technically a type of transporter. However, since transfer facilities must comply with so many more requirements than simple transporters, it is appropriate to discuss them separately.

Under DEP’s incorporation of the federal used oil rules, transfer facilities are defined as “transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 10 days.” Transfer facilities that store for longer than 10 days are subject to regulation as Processors/Re-Refiners (see the requirements outlined in paragraph E below). Please note that this definition differs in one very important respect from the federal definition -- namely, with respect to the 10-day storage time limit (the federal rule has a 35-day limit).

In addition to all of the requirements specified in paragraph C above for simple transporters, transfer facilities are subject to the following requirements:

- ▶ The requirements of 40 CFR 279.45(b) regarding allowed storage units.
- ▶ The requirements of 40 CFR 279.45(c) regarding condition of storage units.
- ▶ The requirements of 40 CFR 279.45(d), (e), and (f) regarding secondary containment.
- ▶ The labeling requirements of 40 CFR 279.45(g).
- ▶ The requirements of 40 CFR 279.45(h) regarding response to releases.

In addition, certain more stringent provisions in DEP's incorporation of the Part 279 regulations modify these federal rules in the several important ways. For a summary of these changes, please see Sections 2.A. and 2.C. of this guidance document.

E. Processors and Re-Refiners (40 CFR 279 Subpart F).

Technically speaking, there is no definition of "processor" or "re-refiner" in the new Part 279 used oil regulations. However, 40 CFR 279.50 does define "*processing*" as follows:

"...chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining."

Based on the above definition, it may be presumed that processors are facilities which engage in "processing." Since re-refining is included in the definition of "processing," re-refiners can be viewed simply as a special kind of processor. Both types of facilities are subject to the requirements of 40 CFR 279 Subpart F. Also subject to these requirements are greater-than-ten-day transfer facilities, as indicated in paragraph D above. However, it should be noted that, pursuant to the provisions of 40 CFR 279.20(b)(2)(ii)(A) through (E), generators are allowed to conduct certain, limited processing activities without having to meet processor requirements. In addition, pursuant to the provisions of 40 CFR 279.50(a)(1), transporters that conduct "incidental processing" as provided in 40 CFR 279.41 are not subject to processor requirements. And similarly, burners that conduct incidental processing as provided in 40 CFR 279.61(b) are also not subject to processor requirements.

Provided they are not exempt as outlined above, used oil processors and re-refiners are subject to the following requirements:

- ▶ The requirement to notify EPA of used oil activities and obtain an EPA ID number, as specified in 40 CFR 279.51.

- ▶ The general facility standards requirements of 40 CFR 279.52 (including the provisions associated with preparedness and prevention, contingency plan, and emergency procedures specified in that section).
- ▶ The rebuttable presumption requirements of 40 CFR 279.53.
- ▶ The requirements of 40 CFR 279.54 regarding the management of used oil while it is being stored on-site (including the provisions associated with allowed storage units, the condition of such units, secondary containment, labeling, response to releases, and closure).
- ▶ The requirements of 40 CFR 279.55 regarding the development and implementation of a written used oil analysis plan.
- ▶ The requirements of 40 CFR 279.56 regarding the tracking of used oil shipments.
- ▶ The requirements of 40 CFR 279.57 regarding operating record and biennial reporting.
- ▶ The requirement to use transporters who have obtained EPA identification numbers for all shipments of used oil off-site, as specified in 40 CFR 279.58.
- ▶ The requirements of 40 CFR 279.59 regarding the management of residues.

In addition, certain more stringent provisions in DEP's incorporation of the Part 279 regulations modify these federal rules in the several important ways. For a summary of these changes, please see Sections 2.A. and 2.D. of this guidance document.

F. Burners (40 CFR 279 Subpart G).

There are basically two types of burners: those who burn used oil that meets the specification of 40 CFR 279.11 (i.e., "on-spec used oil"), and those who burn used oil that does not meet this specification (i.e., "off-spec used oil").

Burners of on-spec used oil are not regulated under the used oil rules, unless they are the first to claim that the used oil meets the specification (in which case, they are subject to the used oil marketer requirements of 40 CFR 279 Subpart H--see paragraph G below). However, burners of on-spec oil are prohibited from burning used oil in residential boilers.

Burners of off-spec used oil may be subject to differing requirements depending upon the nature of their burning activities. If a burner's off-spec used oil burning activities are limited only to the burning of used oil which is generated by the burner in oil-fired space heaters in accordance with the requirements of 40 CFR 279.23, then the burner is not subject to any of the burner requirements in 40 CFR 279 Subpart G. Similarly, processors and re-refiners who burn incidentally to processing are also not subject to the used oil burner requirements of 40 CFR 279

Subpart G. However, all other burners of off-spec used oil are subject to the following requirements:

- ▶ The requirements of 40 CFR 279.61, which defines the types of combustion units in which off-spec used oil may be burned.
- ▶ The requirement to notify EPA of used oil activities and obtain an EPA ID number, as specified in 40 CFR 279.62.
- ▶ The rebuttable presumption requirements of 40 CFR 279.63.
- ▶ The requirements of 40 CFR 279.64 regarding the management of used oil while it is being stored on-site (including the provisions associated with allowed storage units, the condition of such units, secondary containment, labeling, and response to releases).
- ▶ The tracking requirements of 40 CFR 279.65.
- ▶ The requirements of 40 CFR 279.66 regarding burner certifications.
- ▶ The requirements of 40 CFR 279.67 regarding management of residues.

In addition, certain more stringent provisions in DEP's incorporation of the Part 279 regulations modify these federal rules in the several important ways. For a summary of these changes, please see Sections 2.A. and 2.E. of this guidance document.

G. Marketers (40 CFR 279 Subpart H).

Used oil marketers are defined in 40 CFR 279.70 as follows:

- ▶ Facilities that direct shipments of off-spec used oil from their facility to a used oil burner.
- ▶ Facilities that first claim that used oil that is to be burned for energy recovery meets the specification in 40 CFR 279.11 (i.e., the first to declare that a used oil is "on-spec").

Please note that the following types of facilities are not subject to used oil marketer requirements:

- ▶ Generators of used oil that send their used oil to processors that engage in burning which is incidental to processing, in accordance with 40 CFR 279.60(a)(2).
- ▶ Persons that direct shipments of on-spec oil *after it has been legitimately and correctly documented as meeting the specification*. Although not subject to regulation as used oil marketers, such facilities remain subject to the requirements of RCRA Section 22a-449(c)-119(c), which prohibits the offering for sale of used oil for burning in residential boilers.

Used oil marketers are subject to the following requirements:

- ▶ The requirements of 40 CFR 279.71, which limit the types of facilities which a marketer may ship used oil to.

- ▶ The requirements of 40 CFR 279.72, regarding the analysis of used oil fuel.
- ▶ The requirement to notify EPA of used oil activities and obtain an EPA ID number, as specified in 40 CFR 279.73.
- ▶ The used oil tracking requirements of 40 CFR 279.74.
- ▶ The burner certification requirements of 40 CFR 279.75.

In addition, certain more stringent provisions in DEP's incorporation of the Part 279 regulations modify these federal rules in the several important ways. For a summary of these changes, please see Sections 2.A. and 2.F. of this guidance document.

10 Compliance with Secondary Containment Requirements

One of the most significant differences between the former Part 266 used oil regulations and the new Part 279 used oil regulations is that the new regulations include secondary containment requirements. These requirements are important because of the role they play in preventing releases of used oil which could result in soil, surface water, and groundwater contamination (which in turn could require costly cleanups and decrease property values). However, the new Part 279 regulations are unclear in several important respects regarding compliance with these requirements. In addition, DEP's proposed incorporation of these requirements includes some provisions which go above and beyond the basic federal requirements. In order to clarify some of these issues, DEP has established the following guidance. Handlers of used oil should carefully review the following sections and ensure that they comply with all those that apply based on their used oil handling activities.

A. Applicability to Generators.

The new Part 279 used oil regulations do not include secondary containment requirements for generators. However, DEP's proposed used oil regulations do include such requirements, although they only apply to generators who store used oil in excess of 55 gallons. In addition, if the used oil is stored indoors, the generator only needs to ensure that it is stored on an impervious base (no secondary containment is needed). Only if the used oil is stored outdoors must the generator must provide both an impervious base and secondary containment.

Since there is a major difference between indoor and outdoor storage by generators, it is important to clarify what is meant by "indoor storage." DEP defines indoor storage to mean storage in a building which includes at least a floor, a roof, and three walls. Storage in any type of structure which has anything less than a floor, a roof, and three walls would be considered outdoor storage.

B. Applicability to Used Oil Collection Centers and Aggregation Points.

Pursuant to the requirements of 40 CFR 279.30, used oil collection centers and aggregation points are subject to regulation as used oil generators. As a result, these types of facilities are subject to the secondary containment requirements outlined in Section A. above.

C. Applicability to Transporters.

The new Part 279 used oil regulations do not include secondary containment requirements for transporters. However, DEP's proposed used oil regulations do include such requirements, although, as with the generator requirements described in paragraph A above, they are limited in scope. More specifically, these requirements only apply to the transfer of used oil from one transport vehicle to another. DEP's proposed regulations require transporters to comply with the secondary containment requirements of 40 CFR 279.45(d) when engaging in this activity.

D. Applicability to Other Types of Handlers.

Secondary containment requirements also apply to less-than-ten-day transfer facilities, greater-than-ten-day transfer facilities, used oil processors and re-refiners, and burners of off-specification used oil. However, unlike the types of used oil handlers described above, these requirements are no different from the secondary containment requirements specified in the corresponding Part 279 standards for these handler types. Nevertheless, these facilities have been specifically mentioned here, since, like the above two handler types, they are also subject to the guidance provided in the remainder of this section regarding what constitutes adequate secondary containment.

E. Acceptable Secondary Containment Volume.

One issue that is not precisely defined in the new Part 279 regulations is the amount of containment volume that a secondary containment system should have. DEP's policy on this matter is as follows:

- ▶ The amount of containment volume that will be deemed acceptable may vary from one site to the next depending on site conditions, but in any case must be sufficient to prevent releases from reaching soil, groundwater, or surface water.
- ▶ The site conditions referred to above may include factors such as the potential for on-flow or accumulation of precipitation in the storage area, the types of storage units used (i.e., tanks vs. containers), and co-storage with materials other than used oils.
- ▶ Incidents in which a release of used oil actually reaches soil, groundwater, or surface water will be considered a de facto indication of inadequate containment volume.
- ▶ Compliance with hazardous waste containment volume requirements shall generally be considered adequate for the storage of used oil. For storage tanks, this would mean a containment volume which is equal to the volume of the tank. For containers, this would mean a containment volume equal to the volume of the largest container, or ten percent of the total volume of containers, whichever is greater.

F. Definition of Impervious.

Each of the secondary containment requirements referred to above requires that the containment system be "sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water." However, the rule itself provides no guidance regarding what kinds of surfaces would be considered impervious. DEP is therefore providing the following guidance regarding this issue.

First and foremost, an impervious surface must:

- ▶ be free of cracks, gaps, and areas of bare earth;
- ▶ not include any floor drains, catch basins, or similar structures which could allow spilled liquids to escape to surrounding soil, groundwater, or surface water; and,
- ▶ be composed of a material that is resistant to damage or degradation from contact with used oil, and that will prevent used oil from passing through it due to absorption, wicking, or seepage.

There are several different materials of construction which could potentially meet the above definition of impervious. However, DEP is providing the following guidance regarding a few commonly-used materials which it believes would meet these criteria:

- ▶ Cast concrete. However, any joints or seams must be equipped with water stops (or otherwise made water-tight) so as to prevent migration of used oil or contaminated precipitation to the subsurface. In addition, DEP recommends that concrete surfaces be coated to prevent adsorption of used oil into the concrete surface itself.
- ▶ Asphalt. However, since asphalt is particularly vulnerable to weathering and softening if it is exposed to spilled or leaked used oil for extended periods of time, there should be an effective inspection and maintenance program in place to ensure that any damage to the surface is discovered in a timely manner, and is immediately and effectively repaired. In addition, DEP recommends that asphalt surfaces be coated to prevent adsorption of used oil into the asphalt surface.
- ▶ Water-tight metal structures or devices (e.g., premanufactured metal trays, pans, and containment pallets).
- ▶ Oil-resistant plastic (e.g. premanufactured plastic trays, pans and containment pallets).

Other types of containment materials might also be sufficiently impervious, but must be evaluated on a case-by-case basis. Handlers wishing to use other types of containment materials may contact DEP at the mailing address/telephone numbers listed at the beginning of this guidance document to confirm if the proposed material is sufficiently impervious.

G. Equivalent Secondary Containment Systems.

Each of the secondary containment requirements referenced above provides for an "equivalent secondary containment system" as a substitute for the traditional base and berm type of containment system. DEP offers the following guidance regarding such systems:

- ▶ Any such system must meet the basic requirement of preventing releases from reaching soil, groundwater, or surface water.
- ▶ Properly constructed and installed double-walled tanks are considered to be equivalent systems. However, DEP recommends that the fill area and any piping to or from the tank also be provided with secondary containment.
- ▶ Secondary containment systems employing sump or drainage structures which are connected to a permitted wastewater treatment system may be considered equivalent, provided that the treatment system is regularly inspected and maintained, and that any accumulated oil in the system is removed in a timely manner.

Other types of secondary containment system designs might also be considered equivalent, but must be evaluated on a case-by-case basis. As a result, handlers wishing to employ other types of designs should write or call DEP for assistance in determining if the proposed design is considered equivalent secondary containment.

H. Relationship of Secondary Containment Standards to Other Requirements.

Regardless of how used oil handlers choose to comply with used oil secondary containment standards, they must also comply with used oil requirements regarding "Response to Releases" which apply based on their used oil handler category. In addition, used oil handlers' management of used oils must also be in compliance with a number of other laws and regulations concerning containment and response to releases. In particular, see paragraphs E, F, and G in Section 11 of this guidance document, relating to SPCC requirements, DEP's spill reporting requirements, and federal spill reporting requirements, respectively.

The existence of these other requirements only underscores the importance of compliance with the used oil secondary containment requirements. Used oil handlers who do not comply with used oil containment requirements are more likely to run afoul of one or more of these other requirements, increasing the likelihood of enforcement actions or fines, costly cleanups, or loss of property value.

11

Applicability of Other Laws and Regulations to Used Oil

There are a number of laws and regulations which apply to the management of used oil, independently of the used oil regulations. These laws and regulations impose requirements that may parallel or supplement the requirements of the used oil regulations. A summary of some of the more important of these requirements is provided in paragraphs A through H below.

A. RCRA Land Disposal Restrictions (“LDRs”).

The requirements of 40 CFR 268 (commonly known as the Land Disposal Restrictions, or “LDRs”) impose certain restrictions on the land disposal of hazardous wastes. These requirements usually do not apply to used oils which are recycled, since such used oils are exempt from these requirements under the provisions of 40 CFR 261.6. However, if the used oil in question cannot be managed under used oil requirements because it is a hazardous waste, it would not be subject to this exemption, and would therefore be subject to the testing and recordkeeping requirements of 40 CFR Part 268 (i.e., it would be subject to the LDRs). Persons with questions regarding LDR requirements may write or call DEP at the mailing address/telephone numbers listed at the beginning of this guidance document.

B. Underground Storage Tank (“UST”) Regulations.

UST regulations apply independently of used oil regulations. Therefore, if used oil is stored in underground storage tanks, the tanks must be managed in compliance with the applicable UST regulations (in addition to the applicable used oil requirements). Persons with questions regarding these requirements should call DEP’s UST program at (860) 424-3374.

C. The Hazardous Materials Transportation Act (“HMTA”).

The federal regulations issued under this Act (which are implemented and enforced by the federal Department of Transportation, or “DOT”) are codified at 49 CFR Parts 171 to 179. These regulations control the transportation of “hazardous materials.” This may include, for instance, used oils which are “flammable” or “combustible” as defined in these regulations. Persons with questions regarding these requirements should call the DOT’s toll free assistance line at (800) 467-4922.

D. The Toxic Substances Control Act (“TSCA”).

TSCA regulates the handling of a large number of chemical compounds, any one of which could conceivably be mixed with used oil. However, the most relevant TSCA requirement with respect to used oil is the management of polychlorinated biphenyls, or “PCBs.” Since for many years PCBs were common oil additives for a number of uses (most notably dielectric oils), the potential exists for many used oils to be contaminated with PCBs. As a result of such contamination, these used oils may be subject to regulation under TSCA. However, used oil and PCB requirements apply differently, depending upon which of three different groups the concentration of PCBs in the used oil falls, as outlined in the following table:

PCB Concentration	Applicable Regulations
Greater than or equal to 50 ppm.	TSCA <u>only</u> .
Greater than or equal to 2 ppm, but less than 50 ppm.	TSCA <u>and</u> Used Oil Requirements.
Less than 2 ppm.*	Used Oil Requirements <u>only</u> .

*Please note that, under the requirements of 40 CFR 761.20(e)(2), a used oil being burned for energy recovery is presumed to contain 2 ppm or greater of PCBs, unless shown otherwise by testing or other information.

Persons with questions regarding PCB management and disposal should call DEP’s PCB program at (860) 424-3368.

E. The Clean Water Act.

A number of requirements under the federal Clean Water Act and related state requirements may impact certain facilities’ management of used oil. In particular:

- ▶ Used oil processing units (such as oil-water separators) which discharge wastewater to the sewer or to surface water bodies are subject to wastewater discharge permitting requirements.
- ▶ Discharges of surface runoff (such as from used oil storage areas) may be subject to the requirements of DEP’s stormwater discharge general permit.
- ▶ The management of used oils in above-ground and underground tanks may be subject to the Spill Prevention, Control, and Countermeasure requirements of 40 CFR Part 112.

Persons with questions regarding any of the above may call the Permitting Enforcement and Remediation Division of DEP’s Water Management Bureau at (860) 424-3018.

F. DEP Spill Reporting Requirements.

Connecticut General Statutes ("CGS") Sections 22a-450 through 22a-452e have a number of requirements regarding the reporting of, response to, and liability for, oil and chemical spills in Connecticut. In particular, these statutes require that spills of used oil be immediately reported to DEP via its 24-hour spill reporting number, (860) 424-3338. This number may also be used for persons with non-emergency questions regarding these requirements.

G. Federal Spill Reporting Requirements.

There are two federal laws which require the reporting of certain types of oil or chemical spills. CERCLA, the Comprehensive Environmental Response, Compensation, and Liability Act, requires the reporting of spills which exceed the reportable quantities for any CERCLA hazardous substances. For more information about CERCLA reportable quantities, or to obtain a listing of the hazardous substances that are regulated under this law, contact EPA at 1-800-424-9346. Another federal law, OPA 90 (the Oil Pollution Act of 1990), requires the reporting of petroleum spills which result in a visible oil sheen on a navigable waterway. Spills of either type are required to be reported to EPA's National Response Center at 1-800-424-8802.

H. CGS Section 22a-454.

Connecticut General Statutes Section 22a-454 requires certain facilities involved in the collection, storage, or treatment of waste oil or petroleum or chemical liquids or hazardous wastes to have a permit from DEP. For more information about the types of facilities which are required to obtain such a permit, and for copies of the required forms, please contact DEP at the address/telephone numbers listed at the beginning of this guidance document.

I. Connecticut's Property Transfer Law.

Pursuant to Connecticut General Statutes Section 22a-134 *et seq.*, persons selling or buying properties which qualify as a "hazardous waste establishment" must file certain forms and meet requirements regarding the cleanup of contamination at such properties. While most used oils would not meet the definition of "hazardous waste" which is used in these statutes, some may. In particular, a used oil would be subject to the property transfer law if it is classified as hazardous per the procedures in Section 5 of this guidance. That is, the used oil would be subject to the property transfer law if:

- ▶ it is listed as a hazardous waste in 40 CFR 261.31 through .33,²² is mixed with such a listed waste, or is derived from the treatment or disposal of such a listed waste;

²²Although it is uncommon for used oils to be a listed hazardous waste outright, it is possible. For example, quenching oil baths from metal heat treating operations where cyanides are used in the process fall under the listed hazardous waste code F010. Generators of used oils should therefore check to make sure none of their used oils meet any of these listed hazardous waste categories.

- ▶ if it is mixed with characteristically hazardous such that it is still hazardous,²³ or,
- ▶ if it has total halogens exceeding 1000 ppm, and the presumption of mixing with listed hazardous waste cannot be rebutted.

In addition, the definition of hazardous waste used in the property transfer law also includes used oils containing PCBs in concentrations greater than 50 ppm. Persons with questions regarding property transfer requirements should contact the DEP's Property Transfer Program at (860) 424-3705.

J. MARPOL 73/78.

This international agreement was created to prevent ship-generated ocean pollution, including that arising from used oil generated on board ships. However, this requirement only applies as long as the used oil is on board a vessel. Once the used oil is actually transferred ashore, it would cease being covered under MARPOL requirements, and would at that point become subject to regulation under used oil requirements. The text of MARPOL 73/78 may be found in the International Legal Materials collection at any good law library. The International Legal Materials citation for the treaty is ILM 546. The text of the treaty may also be found on the Internet at:

<http://sunsite.nus.sg/apeel/datab/global/78protxp.html>

In addition, USEPA has an overview of MARPOL at the following web site:

<http://www.epa.gov/OWOW/OCPD/marpol.html>

Information on MARPOL requirements may also be obtained by calling the U.S. Coast Guard at (202) 267-0478.

K. The Air Permitting Requirements of DEP's Bureau of Air Management.

Facilities which burn used oil (including those which burn used oil in on-site oil fired space heaters) may be subject to certain air permitting requirements. For more information on these requirements, please call the Bureau of Air Management at (860) 424-3028.

²³Under DEP's proposed used oil regulations, the procedures for determining whether a mixture of characteristic hazardous waste and used oil are hazardous after mixing depends on the type of characteristic hazardous waste that is mixed with the used oil. For complete information on these procedures, please see Section 5.B. of this guidance.

12 Additional Information on Used Oil

Outlined below is a description of some additional information which is available regarding used oil. This information may be divided into two basic categories: first, a number of Used Oil Fact Sheets which have been prepared by DEP, and secondly, a number of documents that have been prepared by EPA on the subject of used oil.

A. DEP's Used Oil Fact Sheets.

While this guidance document was designed to answer the most important and most frequently asked questions regarding the management of used oil, there are a number of additional issues which may be of interest to many used oil handlers. These additional issues have been addressed through a number of Used Oil Fact Sheets, which have been developed as a supplement to this guidance document. The available titles for these Fact Sheets are listed and described in the following table:

Used Oil Fact Sheet Number	Title	Description of Content
1	"Proposed DEP Used Oil Regulations"	A complete copy of the regulations currently proposed by DEP.
2	"Federal Used Oil Regulations Revised as of July 1, 1994"	A complete copy of the federal regulations which DEP is proposing to incorporate in its revised regulations.
3	"Flow Charts Illustrating the Regulation of Used Oil in Connecticut"	A series of flow charts outlining the regulation of used oil under both the former Part 266 used oil standards, and the new Part 279 standards (as incorporated by DEP).
4	"Materials Containing or Otherwise Contaminated with Used Oil"	Describes how materials such as used oil filters, absorbents, wipers, and used oil-containing equipment must be managed under the new Part 279 used oil standards.
5	"Mixtures of Used Oil and Other Materials"	Describes the regulation of mixtures of used oil and other materials (including hazardous waste, non-hazardous waste, antifreeze, wastewaters, waste oils which are not "used oil," and virgin fuels). Also addresses used oil mixtures containing PCBs.

Used Oil Fact Sheet Number	Title	Description of Content
6	"Management of Tank Bottoms"	Describes the regulation of used oil and virgin petroleum tank bottoms under used oil and hazardous waste requirements.
7	"Used Oil Generated from Motor Vehicle Servicing Operations"	An overview of the new Part 279 used oil regulations aimed specifically at businesses which are involved in the maintenance of cars, trucks, and other motor vehicles.
8	"Used Oil Generated in Industry and Commerce"	An overview of the new Part 279 used oil regulations aimed specifically at <i>non-automotive</i> businesses that generate used oil (e.g., machine shops, manufacturers, and non-industrial business such as warehouses and utility facilities).
9	"Management of Household Do-It-Yourselfer Used Oil"	An overview of the new, Part 279 used oil regulations as they apply to Do-It-Yourselfers and the facilities that collect oil from them.
10	"Used Oil from Boats, Ships, and Other Watercraft"	An overview of the new, Part 279 used oil regulations aimed specifically at private and commercial boat owners, marina operators, etc.
11	"Used Oil Generated on Farms"	An overview of the new, Part 279 used oil regulations as they apply to both small and large farms.
12	"List of EPA Used Oil Information Resources"	A cross reference to, and summary of, the relevant EPA preambles and policy documents on used oil.

B. Additional Information from EPA.

The Federal Environmental Protection Agency ("EPA") also has a number of documents on the subject of used oil. These documents include various guidance documents, policy letters, and federal register publications. Some of these documents are listed and summarized in DEP's Used Oil Fact Sheet #12 (see above table). However, numerous others also exist. For more information on the documents which are available from EPA, call EPA's toll-free RCRA hotline at 1-800-424-9346.

ATTACHMENTS:

**DEP USED OIL FACT SHEETS
1 THROUGH 12**



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE: 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 1

CONNECTICUT'S USED OIL REGULATIONS

This fact sheet provides interested persons with a complete copy of the DEP's proposed used oil regulations. These regulations incorporate the federal used oil regulations in 40 CFR 279 as revised to July 1, 2000, with certain modifications and some additional, more stringent requirements. The attached regulations do not include the other portions of Connecticut's Hazardous Waste Management Regulations (i.e., Regulations of Connecticut State Agencies Sections 22a-449(c)-100 through -113, inclusive, or -11). To obtain a copy of these regulations, go to the DEP web site at <http://www.dep.state.ct.us/wst/hw/hwregs.htm>, or contact DEP at the address/phone numbers listed above.

To obtain a copy of the federal used oil regulations that are incorporated by DEP's proposed regulations, please refer to Used Oil Fact Sheet #2, entitled "Federal Used Oil Regulations Revised as of July 1, 2000." The federal regulations may also be obtained on the EPA web site at www.epa.gov/epahome/rules.html#codified (although these regulations will include modifications made by EPA since July 1, 2000 that have not yet been adopted by DEP).

For detailed guidance on how to comply with DEP's used oil regulations, please refer to the DEP document entitled Management of Used Oils in Connecticut. DEP has also prepared a number of other helpful fact sheets on a variety of topics relating to used oil. To obtain copies of any of the above documents, or if you have any questions concerning used oil, please contact DEP at the address/phone numbers listed above.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.

Section 22a-449(c)-119. Standards For The Management Of Used Oil

(a) Incorporation by Reference

- (1) 40 CFR 279 is incorporated by reference in its entirety except as provided in subdivision (2) of this subsection and except for the provisions of this subdivision which are not incorporated:
 - (A) 40 CFR 279.10(b)(3) (which relates to mixtures of used oil and hazardous waste from conditionally exempt small quantity generators); and
 - (B) 40 CFR 279.82(b) and (c) (which relates to used oil as a dust suppressant).
- (2) The provisions of this subdivision are incorporated by reference with the specified changes:
 - (A) 40 CFR 279.1
 - in the introductory sentence delete “260.10”
 - in the definition of “Existing tank” delete “the authorized used oil program for the state in which the tank is located” and replace with “this section”
 - in the definition of “New tank” delete “the authorized used oil program for the state in which the tank is located” and replace with “this section”
 - after the definition of “New tank” add two new definitions as follows:

“Off-Specification” or “Off-Specification Used Oil” means used oil that has not been tested, has not been tested in accordance with the required test methods or for all of the required parameters, has been designated as off-specification, or, based upon analysis performed in accordance with the required test methods, exceeds any one or more of the allowable levels of the constituents or properties listed in Table 1 of 40 CFR 279.11. References to “used oil not meeting the specification requirements of 279.11”, or similar references, shall be deemed to mean off-specification used oil as defined in this definition.”

“On-Specification” or “On-Specification Used Oil” means used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, that, based upon analysis performed in accordance with the required test methods and for all of the required parameters, exceeds none of the allowable levels for the constituents and properties listed in Table 1 of 40 CFR 279.11. References to “used oil that meets the used oil fuel specification of 279.11”, or similar references, shall be deemed to mean on-specification used oil as defined in this definition.”
 - delete the definition of “Used Oil” and replace with the following: “Used oil” means any oil refined from crude oil or synthetic oil, that: (A) has been used and as a result of such use is contaminated by physical or chemical impurities; or (B) is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties.”
 - after the definition of “Used Oil Aggregation Point” add a new definition as follows: “Used Oil Burned For Energy Recovery” or “Used Oil Fuel” means used oil with heating value of more than 5,000 Btu/lb.
 - in the definition of “Used Oil Burner” after “means” add “a person who owns or operates”
 - in the definition of “Used oil collection center” delete “that is registered/licensed/permitted/recognized by a state/county/municipal government” and

replace with “for which the owner or operator has a valid and effective permit issued by the commissioner authorizing such owner or operator”

- in the definition of “Used oil transfer facility” delete both references to “35” and replace them with “10”

(B) 40 CFR 279.10(b)(1)(ii)

- delete “Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter).” and replace with “To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a person shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a person shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such person has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such.”

(C) 40 CFR 279.10(b)(2)

- delete “Characteristic hazardous waste. Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristic identified in subpart C of part 261 of this chapter and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C are subject to:” and replace with the following: “Characteristic hazardous waste. This paragraph applies to any mixture of used oil and: a) a waste that is hazardous solely because it exhibits one or more of the hazardous waste characteristics identified in 40 CFR 261, Subpart C; or b) a hazardous waste that is listed in 40 CFR 261, Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in 40 CFR 261, Subpart C. Any such mixture shall, based upon testing the mixture according to the methods set forth in 40 CFR 261.24 or based upon knowledge of the characteristics of the mixture in light of the materials or processes used, be subject to:”

(D) 40 CFR 279.10(b)(2)(ii)

- after “chapter” add “provided, no person shall mix a used oil and a hazardous waste that exhibits one or more of the characteristics of a hazardous waste identified in 40 CFR 261, Subpart C for any purpose other than facilitating the recycling of such hazardous waste in a manner provided for in 40 CFR 279.”

- (E) 40 CFR 279.10(c)(1)(ii)
 -- delete paragraph 279.10(c)(1)(ii) and replace with the following: “(ii) Are subject to all applicable provisions of the Connecticut General Statutes and regulations promulgated thereunder, including but not limited to, section 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies and if the materials are not hazardous wastes, section 22a-209-1 to 18, inclusive, of the Regulations of Connecticut State Agencies.”
- (F) 40 CFR 279.10(i)
 -- delete “who market” and replace with “who market or burn”
- (G) 40 CFR 279.11
 -- after “unless it is shown” add “through analytical testing”
 -- after “Table 1.” add “A person determining whether used oil exceeds any allowable level of constituents and properties listed in Table 1 shall do so using: (i) the test methods specified below; or (ii) an alternative method(s) provided that, before use, such alternative method has been approved by the commissioner in writing:
- Arsenic – EPA Methods 7060A, 7061A, 7062, 6010B or 6020
 Cadmium – EPA Methods 7130, 7131A, 6010B, or 6020
 Chromium – EPA Methods 7190, 7191, 6010B, or 6020
 Lead – EPA Methods 7420, 7421, 6010B, or 6020
 Flash Point – EPA Methods 1010 or 1020A
 Total Halogens – EPA Methods 9075, 9076, 9077, 5050 coupled with either 9056 or 9253, or American Society for Testing and Materials (“ASTM”) Method D808-95.
- For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, “Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III.”
- (H) 40 CFR 279.12(b)
 -- delete “, except when such activity takes place in one of the states listed in 279.82(c)”
- (I) 40 CFR 279.12(c)(2)(iii)
 -- delete “the burner” and replace with “the heater”
- (J) 40 CFR 279.12
 -- add a new paragraph (d) as follows: “(d) No person shall burn used oil in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with any such building (e.g., an outbuilding or garage). In addition, no person shall sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage).”
- (K) 40 CFR 279.20(b)
 -- delete “are subject to” and replace with “are also subject to”

- (L) 40 CFR 279.21(b)
 - after “refrigeration units.” add the following sentence: “Unless and until such person has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such.”

- (M) 40 CFR 279.22 introductory paragraph
 - delete “(40 CFR part 280) standards” and replace with “requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies”

- (N) 40 CFR 279.22(d)
 - delete “part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located” and replace with “section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies”

- (O) 40 CFR 279.22(d)(3)
 - after “other materials” add “, including remediation of any part of the environment affected by the release”

- (P) 40 CFR 279.23
 - at the end of paragraph (b) delete “and”
 - at the end of paragraph (c) delete the period and replace with “; and”
 - after paragraph (c), add a new paragraph (d) as follows: “(d) The used oil has a heating value of more than 5,000 Btu/lb.”

- (Q) 40 CFR 279.24(a)(3)
 - delete “is registered, licensed, permitted, recognized by a state/county/municipal government” and replace with “has a valid and effective permit issued by the commissioner authorizing the owner or operator of the used oil collection center”

- (R) 40 CFR 279.31(b)(2)
 - delete “Be registered, licensed, permitted, recognized by a state/county/municipal government” and replace with “Have a valid and effective permit issued by the commissioner authorizing such owner or operator ”

- (S) 40 CFR 279.40(c)
 - on each appearance of the word, replace “trucks” with “transport vehicles, as defined in 49 CFR 171.8,”

- (T) 40 CFR 279.40(d)
 - delete “subject to” and replace with “subject to the requirements of”

- (U) 40 CFR 279.42(a)
 - insert the following before the first full sentence: “Except as is provided for in 40 CFR 279.40(a)(1) to (a)(4), inclusive, a used oil transporter shall not transport used oil without

having first obtained an EPA identification number.”

- (V) 40 CFR 279.43(c)(2)
 - delete “an official (State or local government or a Federal Agency)” and replace with “the commissioner or an official of a federal agency”
 - delete “EPA identification numbers” and add “either an EPA identification number, a DEP transporter permit or both”
 - at the end of the paragraph add “Except as provided for in this paragraph, the used oil must be managed and disposed of in accordance with the state hazardous waste management regulations.”

- (W) 40 CFR 279.43(c)(3)(i)
 - after the telephone number for the National Response Center add “and give notice to the commissioner, using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the transporter shall comply with all applicable reporting and notification requirements regarding the release, including but not limited to, reporting in accordance with section 22a-450 of the Connecticut General Statutes.”

- (X) 40 CFR 279.43(c)(5)
 - delete “discharged” and replace with “discharge”
 - after “local officials” add “(to the extent that actions required or approved by local officials are consistent with those required or approved by federal or state officials)”

- (Y) 40 CFR 279.44(a)
 - in the phrase “used oil being transporter” change “transporter” to “transported”
 - delete “above or below” and replace with “less than, greater than or equal to”

- (Z) 40 CFR 279.44(b)(1)
 - delete the entire paragraph and replace with the following: “(b)(1) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials (“ASTM”) Method D808-95; or (iv) an alternative method(s) which before use has been approved by the commissioner in writing. For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, “Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III; or”

- (AA) 40 CFR 279.44(b)(2)
 - after “processes used” add “, provided that the transporter retains documentation demonstrating whether each used oil accepted by such transporter contains greater than, less than or equal to 1,000 parts per million total halogens”

- (BB) 40 CFR 279.44(c)
 - delete “greater than or equal to” and replace with “more than”
 - delete “The owner or operator may rebut the presumption by demonstrating that the used

oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter).” and replace with “To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a transporter shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a transporter shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such transporter has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such.”

- (CC) 40 CFR 279.45 introductory paragraph
 - delete “(40 CFR part 280) standards” and replace with “requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies”

- (DD) 40 CFR 279.45(a)
 - delete both references to “35” and replace with “10”
 - delete “subpart F of this chapter” and replace with “40 CFR 279, subpart F”

- (EE) 40 CFR 279.45(h)
 - delete “part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located” and replace with “section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies”

- (FF) 40 CFR 279.45(h)(3)
 - after “other materials” add “, including remediation of any part of the environment affected by the release”

- (GG) 40 CFR 279.51(a)
 - insert the following before the first full sentence: “Except as is provided for in 40 CFR 279.50(a)(1) and (a)(2), the owner or operator of a facility that processes used oil shall not process used oil without having first obtained an EPA identification number.”

- (HH) 40 CFR 279.52(a)
 - delete “Owners and operators of used oil processors and re-refiners facilities” and replace

with “Owners or operators of facilities processing or re-refining used oil”

- (II) 40 CFR 279.52(a)(3)
 - at the end of the paragraph add “Such systems and equipment shall be tested and maintained as necessary to assure its proper operation in time of an emergency at least once every calendar month and after each use.”
- (JJ) 40 CFR 279.52(b)
 - delete “Owners and operators of used oil processors and re-refiners facilities” and replace with “Owners or operators of facilities processing or re-refining used oil”
- (KK) 40 CFR 279.52(b)(1)(ii)
 - replace “or release or” with “or release of”
- (LL) 40 CFR 279.52(b)(6)(ii)
 - delete “analysts” and replace with “analysis”
- (MM) 40 CFR 279.52(b)(6)(iv)(B)
 - after the telephone number for the National Response Center add "and give notice to the commissioner, using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the transporter shall comply with all applicable reporting and notification requirements regarding the release, including, but not limited to, reporting in accordance with section 22a-450 of the Connecticut General Statutes.”
- (NN) 40 CFR 279.52(b)(6)(v)
 - delete “operation” and replace with “operations”
- (OO) 40 CFR 279.53(a)
 - delete “above or below” and replace with “less than, greater than or equal to”
- (PP) 40 CFR 279.53(b)(1)
 - delete the entire paragraph and replace with the following: “(b)(1) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials (“ASTM”) Method D808-95; or (iv) an alternative method(s) which before use has been approved by the commissioner in writing. For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, “Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III; or”
- (QQ) 40 CFR 279.53(b)(2)
 - at the end of the sentence add “, provided that the owner or operator retains documentation demonstrating whether each shipment of used oil accepted by such owner or operator and each used oil generated by such owner or operator contains greater than, less than or equal to 1,000 parts per million total halogens”

- (RR) 40 CFR 279.53(c)
- delete “greater than or equal to” and replace with “more than”
 - delete “The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter).” and replace with “To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, the owner or operator shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) the owner or operator shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such owner or operator has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such.”
- (SS) 40 CFR 279.53
- add a new paragraph (d) as follows: “Record Retention. Records of analysis conducted or information used to comply with paragraphs (a), (b) and (c) of this section shall be maintained by the owner or operator for at least three years from the date such records are created.”
- (TT) 40 CFR 279.54 introductory paragraph
- delete “(40 CFR part 280) standards” and replace with “requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies)”
- (UU) 40 CFR 279.54(g)
- delete “part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located” and replace with “section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies”
- (VV) 40 CFR 279.54(g)(3)
- after “other materials” add “, including remediation of any part of the environment affected by the release”
- (WW) 40 CFR 279.54(h)(1)(i)
- after “containment system components,” add “contaminated surface waters, contaminated

groundwaters,”

- (XX) 40 CFR 279.54(h)(2)(ii)
-- after the term “containment system components” add “contaminated surface waters, contaminated groundwaters,”
- (YY) 40 CFR 279.55 introductory paragraph
-- delete “Owners or operators of used oil processing and re-refining facilities” and replace with “Owners or operators of facilities processing or re-refining used oil”
- (ZZ) 40 CFR 279.55(b)
-- delete paragraphs (b)(1), (2) and (3), and replace with the following:
“(1) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
(i) One of the sampling methods in Appendix I of 40 CFR 261; or
(ii) A method shown to be equivalent under 40 CFR 260.21;
(2) Whether used oil will be sampled and analyzed prior to or after any processing/re-refining;
(3) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
(4) The methods used to analyze used oil for the constituents and properties specified in 40 CFR 279.11.”
- (AAA) 40 CFR 279.57(a)(2)
-- delete “closure of the facility” and replace with “the owner or operator has completed closure of all units used for management of used oil at the facility in accordance with the closure requirements of 40 CFR 279.54 and subsection (d) of this section.”
-- in 40 CFR 279.57(a)(2)(i), delete “and” after “279.55;”
-- in 40 CFR 279.57(a)(2)(ii), delete “an specified in §279.52(b).” and replace with “as specified in 40 CFR 279.52(b); and”
-- add paragraph (a)(2)(iii) as follows: “(iii) Any other information required to be in the operating record (e.g., 40 CFR 279.52(a)(6)(D)(ii)).”
- (BBB) 40 CFR 279.57(b)
-- after “Regional Administrator” add “on such forms as may be prescribed by the commissioner, or in the absence of such forms”
-- in 279.57(b)(2) delete “and”
-- in 279.57(b)(3) delete the period and replace with “; and”
-- add paragraph (b)(4) as follows: “(4) Any other information which the commissioner specifies shall be in such letter/report. The commissioner shall specify such information in writing before such letter/report must be submitted.”
- (CCC) 40 CFR 279.59
-- delete “re-finishing” and replace with “re-refining”

- (DDD) 40 CFR 279.60(a)
-- after “A used oil burner is” add “a person who owns or operates”
- (EEE) 40 CFR 279.61(a)(2)(iii)
-- delete “the burner” and replace with “the heater”
- (FFF) 40 CFR 279.61
-- add a new paragraph (c) as follows: “(c) No person shall burn used oil in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with any such building (e.g., an outbuilding or garage). In addition, no person shall sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage).”
- (GGG) 40 CFR 279.63(a)
-- delete “above or below” and replace with “less than, greater than or equal to”
- (HHH) 40 CFR 279.63(b)
-- delete “above or below” and replace with “less than, greater than or equal to”
- (III) 40 CFR 279.63(b)(1)
-- delete the entire paragraph and replace with the following: “(b)(1) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials (“ASTM”) Method D808-95; or (iv) an alternative method(s) which, before use, has been approved by the commissioner in writing. For purposes of the subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, “Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III;”
- (JJJ) 40 CFR 279.63(b)(2)
-- after “processes used” add “, provided that the used oil burner retains documentation demonstrating whether each used oil accepted by such burner and each used oil generated by such burner contains less than, greater than or equal to 1,000 parts per million total halogens”
- (KKK) 40 CFR 279.63(c)
-- delete “greater than or equal to” and replace with “more than”
-- delete “The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter).” and replace with “To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, the owner or operator shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100

parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) the owner or operator shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such owner or operator has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such.”

(LLL) 40 CFR 279.63(c)(2)

-- delete “are destined for reclamation” and replace with “have first been reclaimed”

(MMM) 40 CFR 279.64 introductory paragraph

-- delete “(40 CFR part 280) standards” and replace with “requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies”

(NNN) 40 CFR 279.64(e)

-- delete “*Secondary containment for existing aboveground tanks.*” and replace with “*Secondary containment for new aboveground tanks.*”

(OOO) 40 CFR 279.64(g)

-- delete “part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located” and replace with “section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies”

(PPP) 40 CFR 279.64(g)(3)

-- after “other materials” add “, including remediation of any part of the environment affected by the release”

(QQQ) 40 CFR 279.66(b)

-- replace “The certification” with “A copy of the certification”
-- after “maintained” add “by such burner”

(RRR) 40 CFR 279.70(a)

-- delete “Any person who conducts either of the following activities is subject to the requirements of this subpart.” and replace with “Except as provided in paragraph (b) of this section, any person who conducts either of the following activities is a marketer and is subject to the requirements of this subpart.”

(SSS) 40 CFR 279.70(b)(1)

- delete the first sentence and replace with the following: “Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter: (1) directs a shipment of off-specification used oil from their facility to a used oil burner; or (2) is the first to claim that used oil that is to be burned for energy recovery is on-specification used oil.”

(TTT) 40 CFR 279.71

- at the beginning of this section add a new paragraph as follows: “A marketer shall not sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage).”

(UUU) 40 CFR 279.72(a)

- delete all that follows after “§279.11” and replace with the following: “. Any such person shall make this determination by performing analyses or obtaining copies of analyses of such used oil.”

(VVV) 40 CFR 279.72(b)

- delete “(or other information used to make the determination)”

(WWW) 40 CFR 279.74(b)(4)

- delete “or other information”

(XXX) 40 CFR 279.75(b)

- after “maintained” add “by the recipient”

(YYY) 40 CFR 279.81

- delete paragraphs (a) and (b) and replace with the following: “(a) Used oil that is not or cannot be recycled as provided for in this part remains subject to all applicable provisions of the Connecticut General Statutes and regulations promulgated thereunder, including but not limited to section 22a-454 of the Connecticut General Statutes and sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies and if the used oil is not a hazardous waste, section 22a-209-1 to 16, inclusive, of the Regulations of Connecticut State Agencies. In addition, no person shall: (1) burn used oil in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with any such building (e.g., an outbuilding or garage); or (2) sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage).”

(ZZZ) 40 CFR 279.82(a)

- delete “, except when such activity takes place in one of the states listed in paragraph (c) of this section”

- (3) In addition to the provisions incorporated by reference in subdivisions (1) and (2) of this subsection, the provisions in subsections (b) to (e), inclusive, of this section shall also apply.

(b) Used Oil Generators

Except as provided for in 40 CFR 279.20(a)(1) to (4), inclusive, the following provisions apply to generators of used oil:

- (1) (A) To ensure that used oil is not a hazardous waste under the rebuttable presumption of 279.10(b)(1)(ii), a used oil generator shall determine whether the total halogen content of each used oil generated by such generator is less than, greater than, or equal to 1,000 parts per million. The generator shall make this determination by:
- (i) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials (“ASTM”) Method D808-95; or (iv) an alternative method which, before use, has been approved by the commissioner in writing. For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, “Test Methods for Evaluating Solid Waste—Physical/Chemical Methods,” Edition III, as may be amended from time to time; or
 - (ii) Applying knowledge of the halogen content of the used oil in light of the materials or processes used by such generator, provided the generator retains documentation demonstrating whether the used oil contains greater than, less than or equal to 1,000 parts per million total halogens.
- (B) If a generator’s used oil contains more than 1,000 parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D. To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a generator shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a generator shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such a generator has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such. In addition, the rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins or used oil contaminated with chlorofluorocarbons as provided for in 40 CFR 279.10(b)(1)(ii)(A)

and (B).

- (C) Record retention. Records of analyses conducted or information used to comply with this subdivision shall be maintained by the generator for at least 3 years from the date the record is first created.
- (2) Secondary Containment. Generators shall comply with the following requirements for each storage area, and for each tank or container used to store greater than fifty-five (55) gallons of used oil.
- (A) Containers used to store used oil shall be stored on a surface that is sufficiently impervious to prevent any used oil released from such containers from migrating to the soil, groundwater or surface water. In addition, containers used to store used oil that are not within an enclosed building as defined in subparagraph (E) of this subdivision, shall be equipped with a secondary containment system. The secondary containment system shall consist of, at a minimum:
 - (i) dikes, berms or retaining walls, and
 - (ii) a floor which covers the entire area within the dikes, berms, or retaining walls; or
 - (iii) an equivalent secondary containment system.
 - (B) New and existing aboveground tanks used to store used oil shall be stored on a surface that is sufficiently impervious to prevent any used oil released from such tanks from migrating to the soil, groundwater or surface water.
 - (C) Existing aboveground tanks used to store used oil that are not within an enclosed building as defined in subparagraph (E) of this subdivision, shall be equipped with a secondary containment system. The secondary containment system shall consist of, at a minimum:
 - (i) dikes, berms or retaining walls, and
 - (ii) a floor which covers the entire area within the dikes, berms, or retaining walls except areas where existing portions of the tank meet the ground; or
 - (iii) an equivalent secondary containment system.
 - (D) New aboveground tanks used to store used oil that are not within an enclosed building as defined in subparagraph (E) of this subdivision, shall be equipped with a secondary containment system. The secondary containment system shall consist of, at a minimum:
 - (i) dikes, berms or retaining walls, and
 - (ii) a floor which covers the entire area within the dikes, berms, or retaining walls; or
 - (iii) an equivalent secondary containment system.
 - (E) As used in subparagraphs (A), (C) and (D) of this subdivision, an “enclosed building” means a structure which is enclosed with a floor, walls and a roof to prevent tanks and containers containing used oil from being exposed to the elements (e.g., precipitation, wind, run-on) and to ensure containment of any used oil released from any tank or container. For purposes of this definition, a wall may consist in part of windows, doors or other openings (such as service bays).

(c) Used Oil Transporters

Used oil transporters shall comply with 40 CFR 279.45(d) while transferring used oil from one transport vehicle to another. For purposes of this subsection, each transport vehicle and all associated piping shall be considered a container. Transporters transferring used oil from one transport vehicle to another may also require a permit under section 22a-454(c) of the Connecticut General Statutes.

(d) Used Oil Processors and Re-refiners

(1) Closure. The owner or operator of a facility subject to 40 CFR 279, Subpart F shall, within 90 days after receiving the final volume of used oil in a tank or container, remove from such tank or container all used oil. The commissioner may approve, in writing, a longer period if the owner or operator demonstrates that:

(A) The activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete; or

(B) (i) The tank or container at issue is operated in accordance with the requirements of 40 CFR 279.54(a) to (g), inclusive;

(ii) There is a reasonable likelihood that the owner operator or another person will recommence using such tank or container within one year; and

(iii) Closure of such tank or container is incompatible with continued operation of the site; and

(C) The owner or operator has taken and will continue to take all steps deemed necessary by the commissioner to prevent threats to human health and potential releases to the environment from such tank or container.

(2) The owner or operator must complete the closure activities specified in 40 CFR 279.54(h)(1) and (h)(2) within 180 days after the tank or container being closed receives the final volume of used oil. The commissioner may approve, in writing, an extension to the closure period if the owner or operator demonstrates that:

(A) The closure activities will, of necessity, take longer than 180 days to complete; or

(B) (i) The tank or container at issue is operated in accordance with the requirements of 40 CFR 279.54(a) to (g), inclusive;

(ii) There is reasonable likelihood that the owner or operator or another person will recommence operation of such tank or container within one year; and

(iii) Closure of the tank or container is incompatible with continued operation of the site; and

(C) The owner or operator has taken and will continue to take all steps deemed necessary by the commissioner to prevent threats to human health and potential releases to the environment

from such tank or container.

- (3) The demonstrations referred to in subdivision (1) and (2) of this subsection must be made as follows:
 - (A) The demonstration in subdivision (1) must be made at least 30 days prior to the expiration of the 90 day period referenced in subdivision (1); and
 - (B) The demonstration in subdivision (2) must be made at least 30 days prior to the expiration of the 180 day period referenced in subdivision (2).

(e) Other Applicable Requirements

Any person subject to section 22a-449(c)-119 of the Regulations of Connecticut State Agencies shall also comply with all applicable provisions of the Connecticut General Statutes, regulations of Connecticut State Agencies, and the terms and conditions of any order or permit, including a general permit, issued by the commissioner regarding used oil. This includes, but is not limited to, the requirement to obtain a permit under section 22a-454 of the Connecticut General Statutes. Compliance with the requirements of section 22a-449(c)-119 of the Regulations of Connecticut State Agencies shall not be deemed to be compliance with and shall not satisfy any other requirement imposed by the Connecticut General Statutes, regulations of Connecticut State Agencies, or an order or permit issued by the commissioner, including a general permit, regarding used oil. Through issuance of a permit or order, the commissioner may impose requirements in addition to those specified in section 22a-449(c)-119 of the Regulations of Connecticut State Agencies.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127

TEL. (860) 424-3023

TOLL-FREE: 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 2

FEDERAL USED OIL REGULATIONS

REVISED AS OF JULY 1, 2000

This fact sheet provides interested persons with a complete copy of the federal used oil regulations issued by the U.S. Environmental Protection Agency, or "EPA," as revised to July 1, 2000. DEP's current used oil regulations incorporate these federal regulations with certain modifications, as well as some additional, more stringent requirements. For a copy of the DEP regulations that incorporate these regulations, please refer to Used Oil Fact Sheet #1, which is entitled "Proposed DEP Used Oil Regulations."

It should be noted that EPA made several minor changes to its used oil regulations after July 1, 2000. As a result, some of the more recent modifications to the federal used oil rules are not incorporated in DEP's current used oil regulations. It is expected, however, that these modifications will be incorporated in future update(s) to DEP's used oil regulations.

For detailed guidance on how to comply with both existing and proposed used oil regulations, please refer to the DEP document entitled Management of Used Oils in Connecticut. DEP has also prepared a number of other helpful fact sheets on a variety of topics relating to used oil. To obtain copies of any of the above documents, or if you have any questions concerning used oil, please contact DEP at the address/phone numbers listed above.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.

TITLE 40--PROTECTION OF ENVIRONMENT

AGENCY (CONTINUED)

PART 279--STANDARDS FOR THE MANAGEMENT OF USED OIL--Table of Contents

Subpart A--Definitions

Sec. 279.1 Definitions.

Terms that are defined in Secs. 260.10, 261.1, and 280.12 of this chapter have the same meanings when used in this part.

Aboveground tank means a tank used to store or process used oil that is not an underground storage tank as defined in Sec. 280.12 of this chapter.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Do-it-yourselfer used oil collection center means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

Existing tank means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either (1) A continuous on-site installation program has begun, or (2) The owner or operator has entered into contractual obligations--which cannot be canceled or modified without substantial loss--for installation of the tank to be completed within a reasonable time.

Household ``do-it-yourselfer'' used oil means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

Household ``do-it-yourselfer'' used oil generator means an individual who generates household ``do-it-yourselfer'' used oil.

New tank means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

Petroleum refining facility means an establishment primarily engaged in producing gasoline, kerosine, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

Processing means chemical or physical operations designed to produce

from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

Re-refining distillation bottoms means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

Tank means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Used oil aggregation point means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

Used oil burner means a facility where used oil not meeting the specification requirements in Sec. 279.11 is burned for energy recovery in devices identified in Sec. 279.61(a).

Used oil collection center means any site or facility that is registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil and accepts/aggregates and stores used oil collected from used oil generators regulated under subpart C of this part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Sec. 279.24. Used oil collection centers may also accept used oil from household do-it-yourselfers.

Used oil fuel marketer means any person who conducts either of the following activities:

- (1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
- (2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Sec. 279.11 of this part.

Used oil generator means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

Used oil processor/re-refiner means a facility that processes used oil.

Used oil transfer facility means any transportation related facility including loading docks, parking areas, storage areas and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to Sec. 279.20(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this part.

Used oil transporter means any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993; 59 FR 10559, Mar. 4, 1994]

Sec. 279.10 Applicability.

This section identifies those materials which are subject to regulation as used oil under this part. This section also identifies some materials that are not subject to regulation as used oil under this part, and indicates whether these materials may be subject to regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter.

(a) Used oil. EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Sec. 279.11, the regulations of this part apply to used oil, and to materials identified in this section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in subpart C of part 261 of this chapter.

(b) Mixtures of used oil and hazardous waste--(1) Listed hazardous waste. (i) Mixtures of used oil and hazardous waste that is listed in subpart D of part 261 of this chapter are subject to regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter, rather than as used oil under this part.

(ii) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter). EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 512-1800 (document number 955-001-00000-1).

(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Sec. 279.24(c), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

(B) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(2) Characteristic hazardous waste. Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristic identified in subpart C of part 261 of this chapter and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C are subject to:

(i) Except as provided in paragraph (b) (2) (iii) of this section, regulation as hazardous waste under parts 260 through 266, 268, 270, and 124 of this chapter rather than as used oil under this part, if the resultant mixture exhibits any characteristics of hazardous waste identified in subpart C of part 261 of this chapter; or

(ii) Except as specified in Sec. 279.10(b) (2) (iii) regulation as used oil under this part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under subpart C of part 261 of this chapter.

(iii) Regulation as used oil under this part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits),

provided that the resultant mixture does not exhibit the characteristic of ignitability under Sec. 261.21 of this chapter.

(3) Conditionally exempt small quantity generator hazardous waste. Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under Sec. 261.5 of this chapter are subject to regulation as used oil under this part.

(c) Materials containing or otherwise contaminated with used oil.

(1) Except as provided in paragraph (c)(2) of this section, 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:

(i) Are not used oil and thus not subject to this part, and

(ii) If applicable are subject to the hazardous waste regulations of parts 124, 260 through 266, 268, and 270 of this chapter.

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this part.

(3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this part.

(d) Mixtures of used oil with products. (1) Except as provided in paragraph (d)(2) of this section, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this part.

(2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of subpart C of this part.

(e) Materials derived from used oil. (1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

(i) Not used oil and thus are not subject to this part, and

(ii) Not solid wastes and are thus not subject to the hazardous waste regulations of parts 260 through 266, 268, 270, and 124 of this chapter as provided in Sec. 261.3(c)(2)(i) of this chapter.

(2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this part.

(3) Except as provided in paragraph (e)(4) of this section,

materials derived from used oil that are disposed of or used in a manner constituting disposal are:

(i) Not used oil and thus are not subject to this Part, and

(ii) Are solid wastes and thus are subject to the hazardous waste regulations of parts 260 through 266, 268, 270, and 124 of this chapter if the materials are listed or identified as hazardous wastes.

(4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this part.

(f) Wastewater. Wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this part. For purposes of this paragraph, ``de minimis'' quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

(g) Used oil introduced into crude oil pipelines or a petroleum refining facility. (1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this part. The used oil is subject to the requirements of this part prior to the mixing of used oil with crude oil or natural gas liquids.

(2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this part.

(3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this part provided that the used oil constitutes less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this part.

(4) Except as provided in paragraph (g) (5) of this section, used oil that is introduced into a petroleum refining facility process after

crude distillation or catalytic cracking is exempt from the requirements of this part only if the used oil meets the specification of Sec. 279.11. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this part.

(5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this part. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the waste water treatment system).

(6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this part.

(h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this part until it is transported ashore.

(i) Used oil containing PCBs. In addition to the requirements of this part, marketers and burners of used oil who market used oil containing any quantifiable level of PCBs are subject to the requirements found at 40 CFR 761.20(e).

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993; 59 FR 10559, Mar. 4, 1994; 59 FR 10559, Mar. 4, 1994; 61 FR 33693, June 28, 1996; 63 FR 24969, May 6, 1998; 63 FR 37782, July 14, 1998]

http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr279_00.html



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127

TEL. (860) 424-3023

TOLL-FREE: 1-888-424-4193

HTTP://DEP.STATE.CT.US

Used Oil Fact Sheet # 3

**FLOW CHARTS ILLUSTRATING THE REGULATION
OF USED OIL IN CONNECTICUT**

This fact sheet has been prepared as a supplement to DEP's guidance document entitled Management of Used Oils in Connecticut. In particular, this fact sheet includes two separate sets of flow charts which illustrate the management of used oils under Connecticut's current regulations, and under new regulations being proposed by DEP. DEP's current used oil regulations incorporate an older version of the federal used oil regulations (i.e., those which were formally codified at 40 CFR 266 Subpart E). DEP's proposed regulations will incorporate the newer federal regulations codified at 40 CFR 279, as revised to July 1, 1994.

For more information regarding DEP's proposed used oil regulations, please refer to DEP's Used Oil Fact Sheet #1, entitled "Proposed DEP Used Oil Regulations." For more information regarding the federal regulations which are incorporated by DEP's proposed used oil regulations, please refer to DEP's Used Oil Fact Sheet #2, entitled "Federal Used Oil Regulations, Revised as of July 1, 1994." For detailed guidance on how DEP expects handlers of used oil to comply with these proposed regulations, the reader should consult the used oil guidance document referenced in the previous paragraph. DEP has also prepared a number of other helpful fact sheets on a variety of topics relating to used oil. To obtain copies of any of the above documents, or if you have any questions concerning used oil, please contact DEP at the address/phone numbers listed above.

This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

General Description of the Two Sets of Flow Charts

There are two separate sets of flow charts attached to this fact sheet. The first set of flow charts pertain to the regulation of used oil under the old, Part 266 regulations which are currently incorporated by DEP. The second set of flow charts illustrate the regulations of used oil under the new, Part 279 regulations which DEP is proposing to incorporate with certain modifications and additions.

The first set of flow charts should be used by those who are interested in evaluating compliance under the existing used oil rules (i.e., for the period of time up until the proposed new rules become effective in Connecticut).

The second set of flow charts, on the other hand, should be used by:

- (1) those who are interested in determining what type of compliance measures will be required once the proposed regulations are in place; and
- (2) those choosing to comply with these new rules in advance of their formal adoption (as allowed under a DEP policy set forth in Section 3 of the DEP used oil guidance document referenced above).

How to Use the Flow Charts

Once the proper set of flow charts has been selected, the user should begin with the first chart in that set, which addresses the issue of characterization of oily wastes. The user should start at the beginning of this chart and proceed through the chart, answering the "yes" and "no" questions, until an end point is reached which tells the user how the oily waste is regulated. If the user has more than one oily waste stream, or manages the same used oil in more than one way, this process will have to be repeated for each such stream and/or handling method.

Under both sets of flow charts, this characterization process has only three possible outcomes:

- (1) The oily waste may be managed under the used oil regulations.
- (2) The oily waste may not be managed under the used oil regulations, but must be managed as a hazardous waste, in accordance with Regulations of Connecticut State Agencies Sections 22a-449(c)-100 through -110, and -11.
- (3) The oily waste is neither a used oil nor a hazardous waste, and is subject only to the requirements of Connecticut General Statutes ("CGS") Section 22a-454 as a non-RCRA-hazardous waste.

For those oily waste streams that fall under the first category above (i.e., those that meet the definition of used oil), the user must continue through the remaining sheets in the proper set of flow charts to determine the rules that apply to the management of this used oil.

For those oily waste streams that fall under either the second or third categories above, the user cannot proceed any further using these flow charts, since the oily waste in question is not a used oil. Handlers of such oily wastes should consult the statutes or regulations referred to above in order to determine how these materials must be handled.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call 424-3035 or TDD 424-3333.

**FLOW CHART SET #1:
OLD PART 266 USED OIL STANDARDS**

REGULATION OF USED OILS IN CONNECTICUT (40 CFR 266 SUBPART E STANDARDS)

PLATE ONE: CHARACTERIZATION OF USED OILS

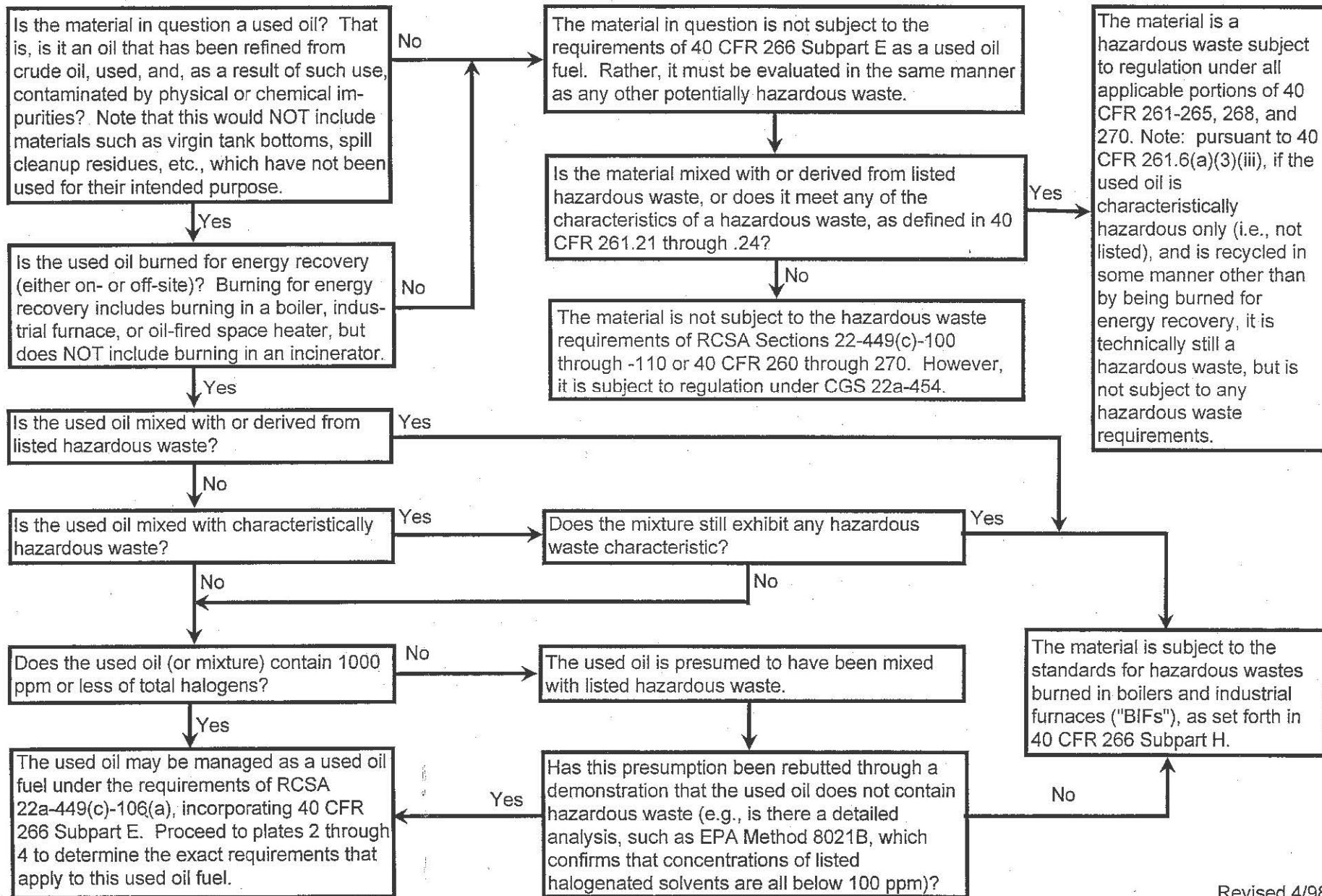


PLATE TWO: REGULATION OF GENERATOR ACTIVITIES

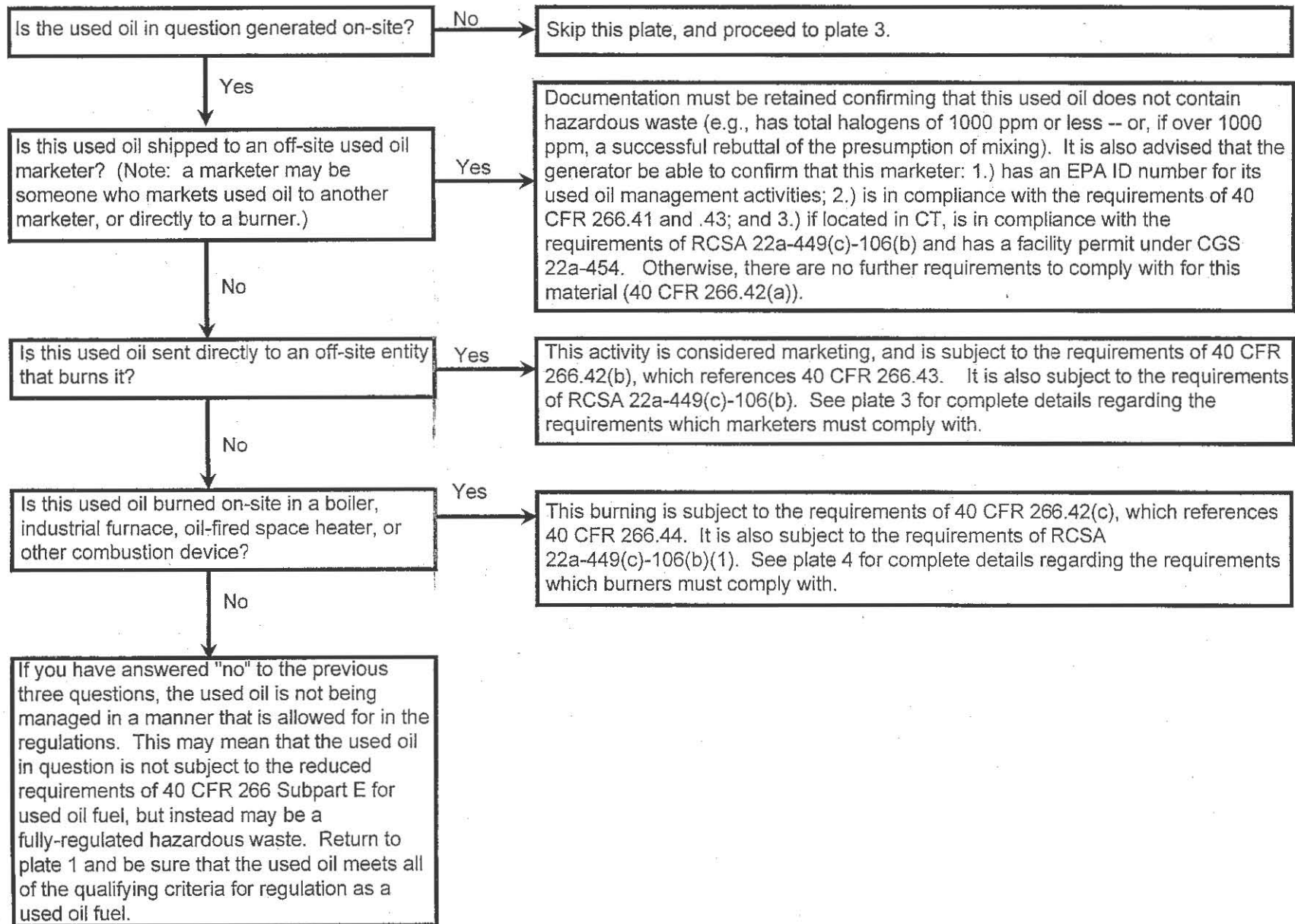


PLATE THREE: REGULATION OF MARKETING ACTIVITIES

Is the used oil in question marketed by the facility? The definition of marketing includes: 1.) generators who market directly to a burner; 2.) persons who receive used oil from generators and process or blend it into a used oil fuel; and, 3.) persons who distribute but do not process or blend used oil fuel. The definition of marketing does NOT include: 1.) generators who do not market directly to a burner; 2.) used oil collectors who transport used oil received only from generators and who do not market directly to a burner; and, 3.) persons who market ONLY used oil fuel that meets the specification in 40 CFR 266.40(e), and are not the first to claim that it meets that specification.
Note: persons who burn some used oil for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. As a result, generators and collectors who send used oil to such incidental burners are also not considered to be marketers.

No

Skip this plate, and proceed to plate 4.

Yes

Is there documentation verifying that the used oil meets the fuel specification for all parameters listed in 40 CFR 266.40(e) (i.e., for arsenic, cadmium, chromium, lead, flash point, and total halogens)?

No

The used oil is an off-specification used oil fuel (or, for lack of documentation verifying that it meets the fuel specification, must be handled as one). The facility must comply with the requirements of 40 CFR 266.43(b) concerning analysis of used oil fuel, prohibitions, notification, invoice system, required notices, and recordkeeping. In addition, the facility must comply with the requirements of RCSA 22a-449(c)-106(b), and must have a facility permit pursuant to CGS 22a-454.

Yes

Is this facility the first to claim that this used oil meets the specification?

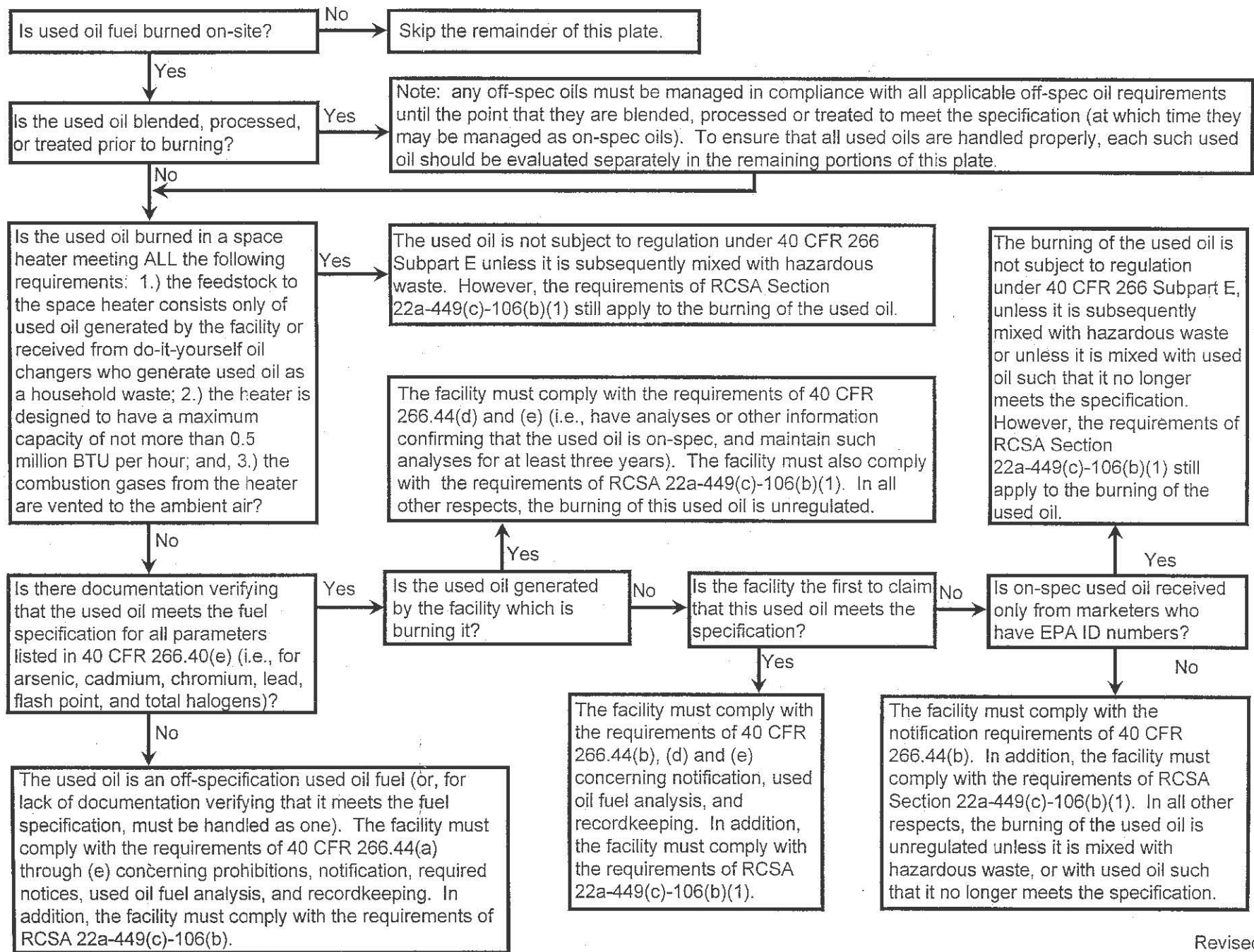
Yes

The facility must comply with the requirements of 40 CFR 266.43(b)(1), (b)(3), and (b)(6) concerning analysis of used oil fuel, notification, and recordkeeping. In addition, the facility must comply with the requirements of RCSA 22a-449(c)-106(b), and must have a facility permit pursuant to CGS 22a-454.

No

The facility must comply with the requirements of 40 CFR 266.43(b)(1) and (b)(6) (i.e., there must be analyses or other information at the facility confirming that this used oil meets the specification, and this documentation must be kept on file for at least three years). In addition, the facility must comply with the requirements of RCSA 22a-449(c)-106(b)(1). In all other respects, the used oil is not regulated any further unless it is mixed with hazardous waste, or mixed with used oil such that it no longer meets the fuel specification.

PLATE FOUR: REGULATION OF BURNING ACTIVITIES



FLOW CHART SET #2:
NEW PART 279 USED OIL STANDARDS

REGULATION OF USED OILS IN CONNECTICUT (PROPOSED 40 CFR PART 279 STANDARDS)

PLATE ONE: CHARACTERIZATION OF USED OIL

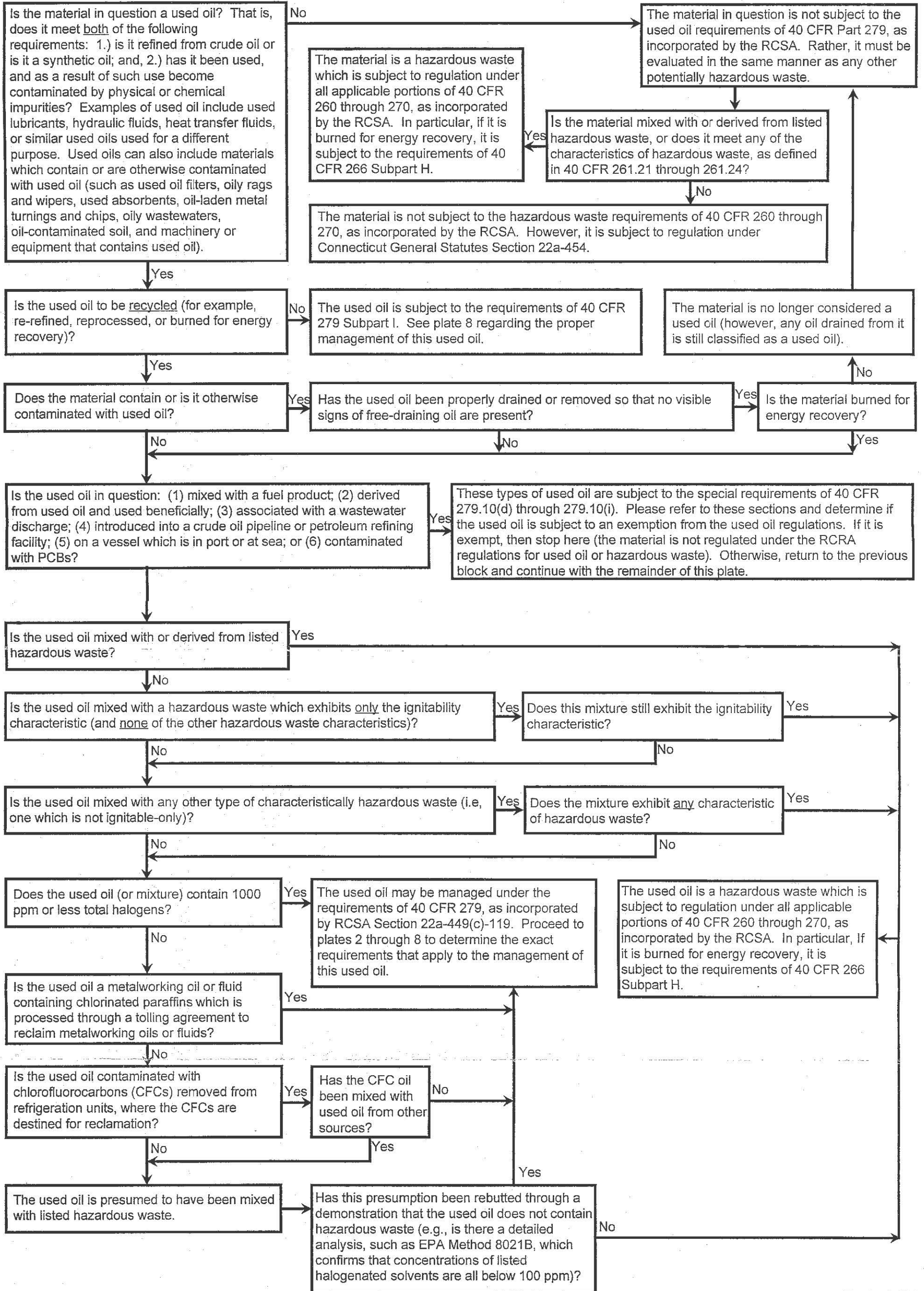


PLATE TWO: REGULATION OF USED OIL GENERATOR ACTIVITIES

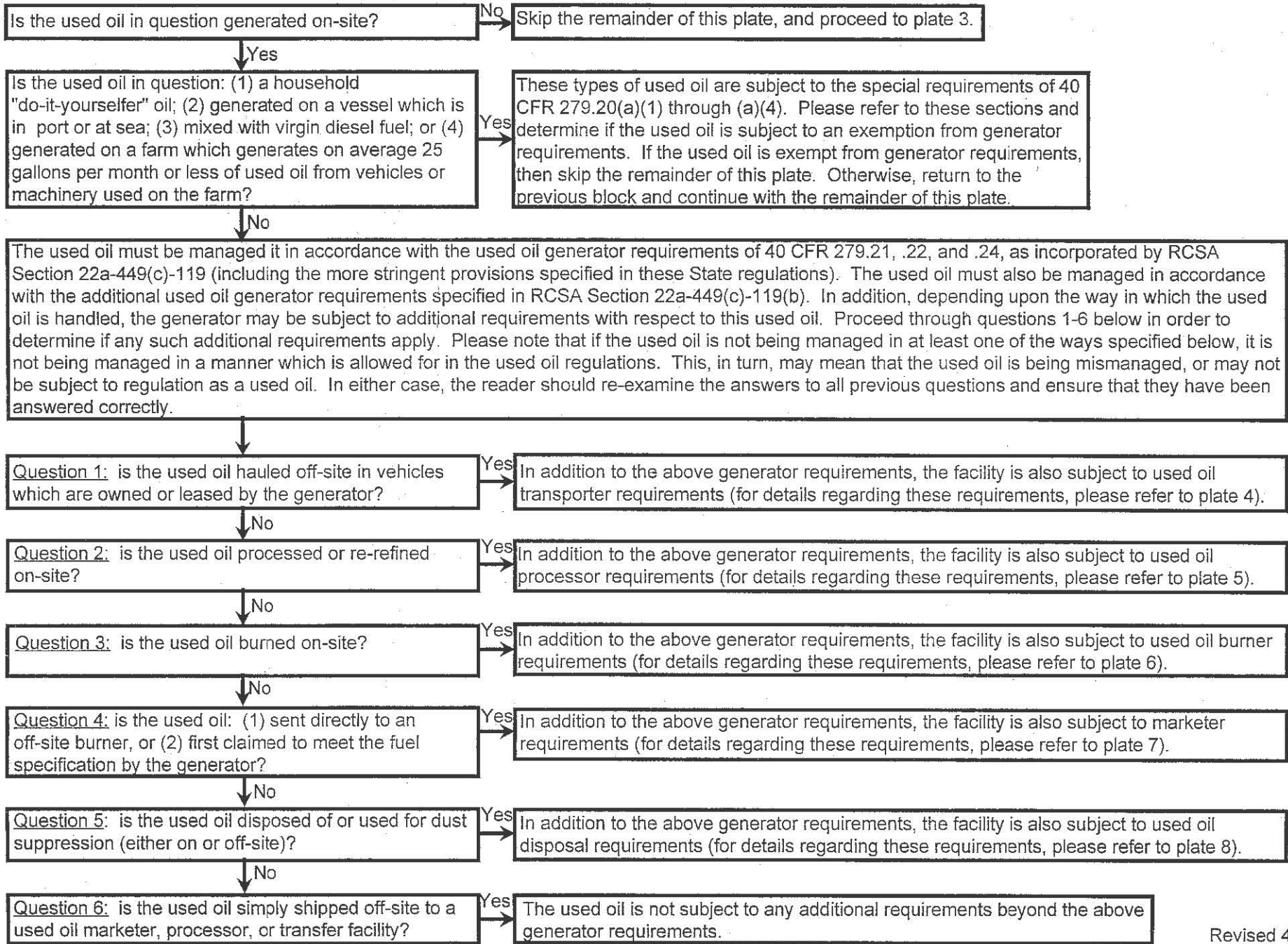


PLATE THREE: REGULATION OF USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Is the used oil in question managed in an on-site used oil collection center?

A used oil collection center is defined as any site or facility that accepts/aggregates and stores used oil collected from used oil generators who are regulated under 40 CFR Part 279, and who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of 40 CFR 279.24(a). In addition to accepting used oil from generators as described above, used oil collection centers may also accept household do-it-yourselfer used oil. Please note that facilities that collect used oil only from other (off-site) generation sites owned or operated by the facility need not be classified as used oil collection centers, but may comply with the less involved requirements for used oil aggregation points, as described below.

Yes →

Used oil collection centers are subject to regulation under 40 CFR 279.31, as incorporated by RCSA Section 22a-449(c)-119. Section 279.31 requires compliance with used oil generator requirements with respect to the used oil which is collected. For a summary of these generator requirements, please refer to plate 2. Section 279.31 also requires that the used oil collection center be registered, licensed, permitted, and/or recognized by a state, county, and/or municipal government to manage used oil. In Connecticut, this would consist of compliance with the used oil permit requirements of RCSA Section 22a-449(c)-119(e).

↓ No

Is the used oil in question managed in an on-site do-it-yourselfer (DIY) used oil collection center or used oil aggregation point?

A DIY used oil collection center is defined as any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

A used oil aggregation point is defined as any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons under the provisions of 40 CFR 279.24(b). In addition to accepting used oil from generators as described above, used oil aggregation points may also accept household do-it-yourselfer used oil.

Yes →

Do-it-yourselfer used oil collection centers are subject to regulation under 40 CFR 279.30, as incorporated by RCSA Section 22a-449(c)-119. Used oil aggregation points are subject to regulation under 40 CFR 279.32, as incorporated by RCSA Section 22a-449(c)-119. Sections 279.30 and 279.32 both require compliance with used oil generator requirements with respect to the used oil which is collected or aggregated. For a summary of these generator requirements, please refer to plate 2. Note: pursuant to RCSA Section 22a-449(c)-119(e)(1)(A), neither of these types of facilities is required to have a used oil facility permit.

↓ No

The facility is not a used oil collection center or aggregation point with respect to its handling of the used oil in question. Proceed to plate 4.

PLATE FOUR: REGULATION OF USED OIL TRANSPORTERS AND TRANSFER FACILITIES

Is the used oil in question transported by the facility, or stored in an on-site transfer facility?

Used oil transporters are defined as persons who transport used oil, persons who collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities. Please note that the following activities are not regulated as transportation: (1) on-site transportation of used oil; (2) transportation of used oil by generators to used oil collection centers in quantities of 55 gallons or less, as specified in 40 CFR 279.24(a); (3) transportation of used oil by generators to used oil aggregation point owned or operated by the generator, as specified in 40 CFR 279.24(b); and, (4) transportation of used oil by household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner which is subject to Part 279 used oil requirements (however, the transportation of do-it-yourselfer used oil at any point after it has been dropped off by the household do-it-yourselfer is regulated under used oil transportation rules).

Used oil transfer facilities are defined as transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 10 days (transfer facilities that store used oil for more than 10 days are subject to regulation under the requirements of 40 CFR 279 Subpart F for used oil processors and re-refiners).

No

The facility is not subject to regulation as a used oil transporter or transfer facility with respect to its management of the used oil in question. Skip the remainder of this plate and proceed to plate 5.

Yes

With respect to its transportation of the used oil, the facility must comply with the requirements of 40 CFR 279.40(b) through (d), 279.41 through 279.44, 279.46, and 279.47, as incorporated by RCSA Section 22a-449(c)-119 (including the more stringent provisions specified in these State regulations). The facility must also comply with the additional used oil transporter requirements of RCSA Section 22a-449(c)-119(d). In addition, transporters that commercially collect used oil are subject to the used oil permit requirements of RCSA Section 22a-449(c)-119(e).

Is the used oil managed in an on-site transfer facility?

No

Yes

In addition to the transporter requirements specified above, the facility is also subject to the requirements of 40 CFR 279.45, as incorporated by RCSA Section 22a-449(c)-119 (including the more stringent provisions specified in these State regulations). Transfer facilities that commercially collect or store used oil are also subject to the used oil permit requirements of RCSA Section 22a-449(c)-119(e).

Is there any processing of used oil associated with the used oil transportation activities that the facility engages in? Processing is defined as chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining.

Yes

Except for the three activities identified in 40 CFR 279.41, this processing of used oil is subject to the requirements for used oil processors and re-refiners as found in 40 CFR 279 Subpart F, as incorporated by RCSA Section 22a-449(c)-119. The three exempted activities include: (1) consolidation or aggregation of loads of used oil for the purposes of transportation; (2) incidental processing (i.e., settling and water separation) that is not designed to produce (or make more amenable for production of) used oil derived products; and (3) the removal of used oil from oil-bearing electrical transformers and turbines for filtering prior to being returned to its original use. For details regarding these processor requirements, please refer to 5.

No

Analysis of used oil transporter/transfer facility activities is now complete. Proceed to plate 5.

PLATE FIVE: REGULATION OF USED OIL PROCESSORS AND RE-REFINERS

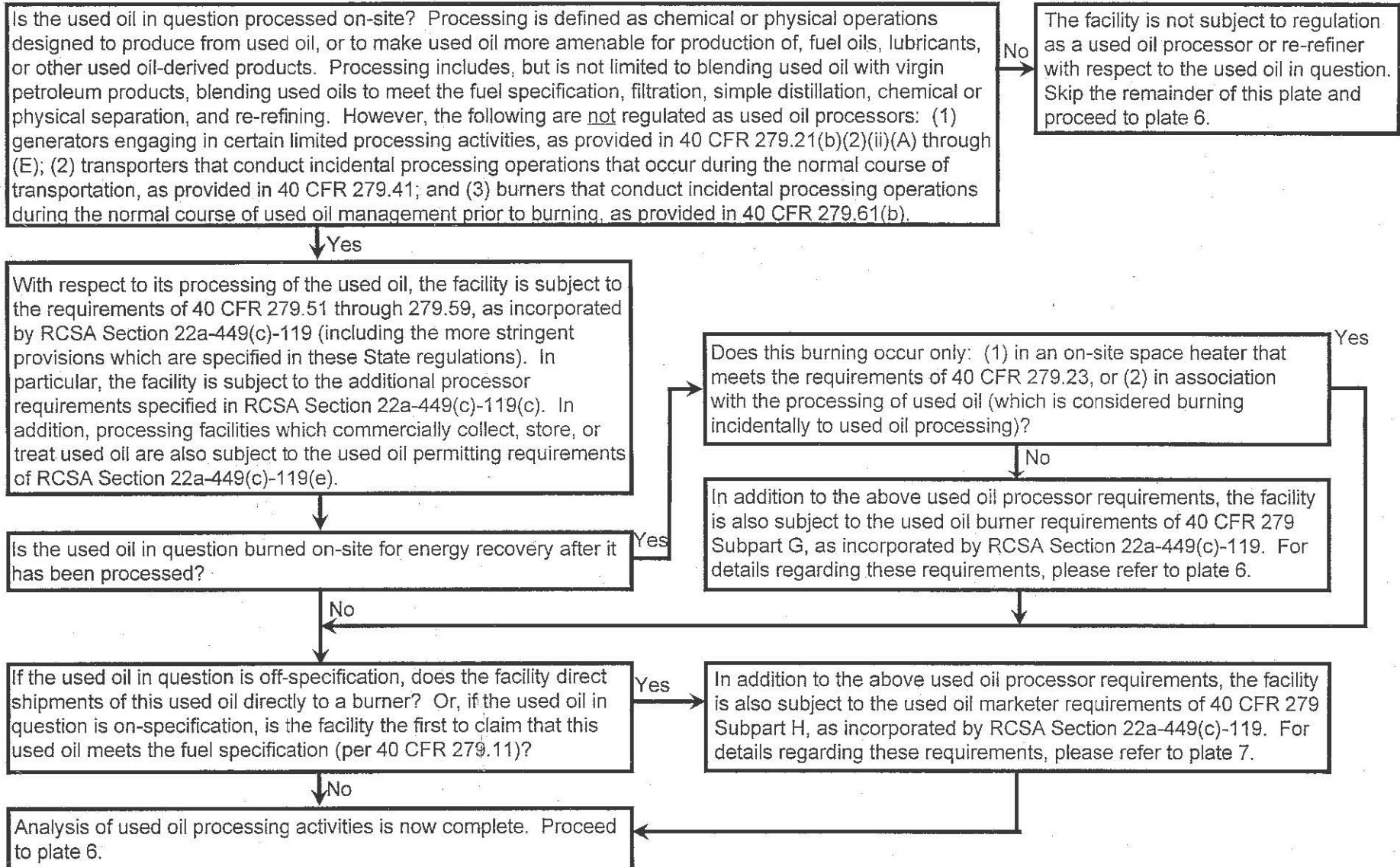


PLATE SIX: REGULATION OF USED OIL BURNING ACTIVITIES

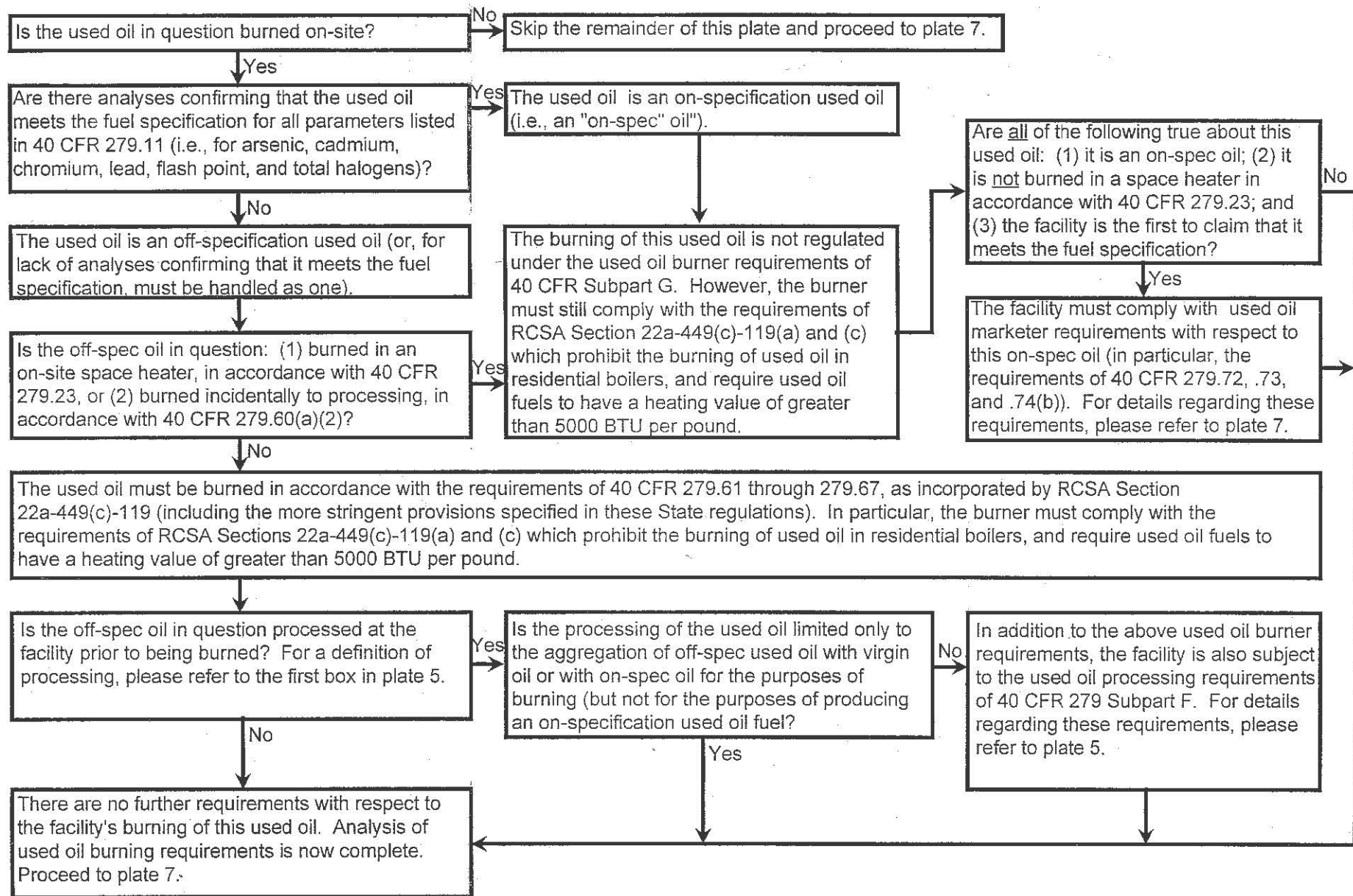


PLATE SEVEN: REGULATION OF USED OIL MARKETING ACTIVITIES

Is the used oil in question marketed by the facility? Marketers are defined as persons who conduct either or both of the following activities:

- (1) direct shipments of off-specification used oil from their facility to a used oil burner; or
- (2) first claim that a used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 40 CFR 279.11. Please note that this specifically includes generators burning their own on-spec oil in units other than oil-fired space heaters, and burners other than generators which are the first to declare that a used oil meets the specification.

However, the following types of facilities are not regulated as marketers: (1) used oil generators, and transporters who transport used oil received only from generators, provided they do not direct shipments of off-specification used oil from their facility to a used oil burner, and are not the first to claim that a used oil meets the specification; (2) generators and transporters that send off-specification used oil to processors/re-refiners who burn incidentally to processing in accordance with 40 CFR 279.60(a)(2); and, (3) persons other than generators and transporters who direct shipments of on-specification used oil and who are not the first to claim that it meets the used oil fuel specification.

No

The facility is not subject to regulation as a used oil marketer. Skip the remainder of this plate and proceed to plate 8.

Yes

In addition to being a used oil marketer, is the facility also a used oil generator, transporter, transfer facility, processor/re-refiner, or burner?

No

Please note that 40 CFR 279.70(c) does not allow a facility to be only a marketer of used oil. Implicit in this requirement is the assumption that the facility must also fall into one of these other used oil handler categories, in addition to being a marketer. To ensure complete compliance with used oil rules, please return to plates 2 through 6 and determine which additional used oil handler category (or categories) apply to the marketer.

Yes

Are there analyses confirming that the used oil meets the specification of 40 CFR 279.11?

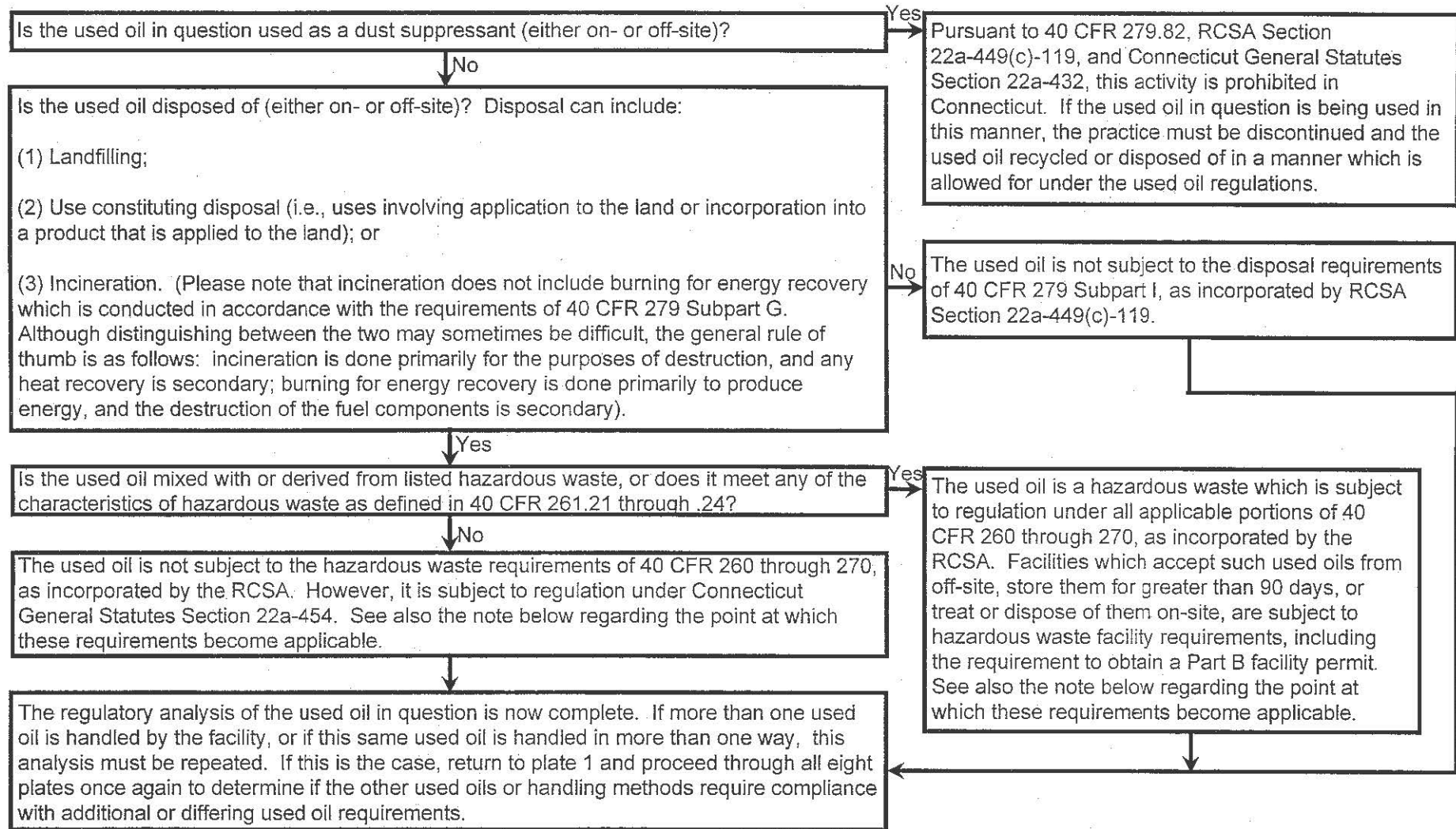
Yes

The used oil is an on-specification used oil. As such, its marketing is subject to the requirements of 40 CFR 279.72, .73, and .74(b), as incorporated by RCSA Section 22a-449(c)-119 (including the more stringent provisions specified in these State regulations). In particular, the facility must comply with the requirements of RCSA Section 22a-449(c)-119(a) and (c) which prohibit the selling or offering for sale of used oil for burning in residential boilers, and which require used oil fuels to have a heating value which is greater than 5000 BTU per pound. In addition, marketers that commercially collect, store, or treat used oil are subject to the used oil permitting requirements of RCSA Section 22a-449(c)-119(e).

No

The used oil is an off-specification used oil (or for lack of documentation verifying that it meets the fuel specification, must be handled as one). The marketing of this off-spec oil is therefore subject to the requirements of 40 CFR 279.71, .73, .74(a), and .75, as incorporated by RCSA Section 22a-449(c)-119. In particular, the facility must comply with the requirements of RCSA Section 22a-449(c)-119(a) and (c) which prohibit the selling or offering for sale of used oil for burning in residential boilers, and which require used oil fuels to have a heating value which is greater than 5000 BTU per pound. In addition, marketers that commercially collect, store, or treat used oil are subject to the used oil permitting requirements of RCSA Section 22a-449(c)-119(e).

PLATE EIGHT: REGULATION OF USED OIL DISPOSAL ACTIVITIES



NOTE: *The used oil regulations presume that all used oils will be recycled (see 40 CFR 279.10(a)). Therefore, all used oils are subject to used oil requirements from the point of generation, and remain subject to them unless and until the used oil is actually disposed of or is sent off-site for disposal. At this point, the used oil regulations no longer apply, and the relevant disposal standards become effective. This principle holds regardless of whether the used oil is hazardous or non-hazardous, and whether the decision to dispose is made by the generator or by a subsequent handler of the used oil.*



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION

79 ELM STREET, HARTFORD CT 06106-5127

TEL. (860) 424-3023

TOLL-FREE: 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 4

MATERIALS CONTAINING OR OTHERWISE CONTAMINATED WITH USED OIL

Purpose

This fact sheet provides guidance on the management of materials that contain or are otherwise contaminated with used oil under DEP's used oil regulations.¹ This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

What Materials Are Addressed by this Fact Sheet?

Some common examples of materials that can fall under the category of "materials containing or otherwise contaminated with used oil" include the following:

- Spent rags and wipers that contain used oil (including both cloth and paper types).
- Spent sorbents that contain used oil (including speedi-dri, absorbent pigs, clay, vermiculite, and other types).
- Used oil filters (including those from motor vehicles, as well as other types).
- Discarded equipment, machinery, appliances, and mechanical parts that contain used oil.
- Metal turnings, chips, and scrap metals that contain used oil.
- Soils that are contaminated with used oil.
- Wastewaters that contain used oil.²

¹ The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

² Not every oily wastewater necessarily qualifies for designation as a used oil. In order to be considered a used oil, an oily wastewater must contain legitimately recoverable amounts of used oil. For complete details on this issue, see Section 7 of DEP's used oil guidance document entitled Management of Used Oils in Connecticut.

What Types of Materials Are *NOT* Addressed by this Fact Sheet?

Certain types of materials similar to the above are *not* considered “materials containing or otherwise contaminated with used oil” and are therefore not addressed by this fact sheet. Two notable examples include the following:

- Mixtures of used oils and other materials. These materials do not contain used oil at the point of generation, but are instead mixed with used oil afterwards. Some of these mixtures are regulated as used oil and others are not. For more information on these materials, see DEP’s Used Oil Fact Sheet # 5, entitled “Mixtures of Used Oil and Other Materials.” Additional information on this subject may also be found in Sections 5 and 6 of DEP’s used oil guidance document, Management of Used Oils in Connecticut. See the last section of this fact sheet for information on how to obtain these guidance documents.
- Spent hazardous waste solvents or other hazardous wastes that contain used oil. Although they may contain or be contaminated with used oil at the point of generation, these materials are subject to regulation as hazardous wastes, not used oil. For example, hazardous spent mineral spirits parts washer solvent that is generated from cleaning used oil off of parts is regulated as hazardous waste, not used oil.

How Are these Materials Regulated?

DEP’s used oil regulations incorporate the federal used oil regulations at 40 CFR Part 279, with certain additions and modifications. One of the provisions incorporated by DEP (i.e., 40 CFR 279.10(c)) specifically addresses materials which contain or are otherwise contaminated with used oil. Under this provision, materials containing or otherwise contaminated with used oil are considered to be used oils and are therefore subject to the used oil regulations.

However, if the used oil can be drained or removed from such a material so that there are no visible signs of free-flowing oil left behind, the de-oiled material would no longer be subject to the used oil regulations. Instead, the material would revert to being an ordinary solid waste, and would be subject to a hazardous waste determination under section 40 CFR 262.11 of the federal hazardous waste regulations. If found to be hazardous, the material must be managed and disposed of as a hazardous waste. If found to be *non*-hazardous, it would have to be managed as a so-called “Connecticut-regulated waste,” or as a “special waste.” Either way, it may not be disposed of in the ordinary trash. For more information on Connecticut-regulated wastes, see the DEP fact sheet entitled “Non-RCRA-Hazardous Wastes/Connecticut-Regulated Wastes.” (See the last section below for information on how to obtain this fact sheet.) For more information on special wastes, see the page entitled “Special Wastes or Asbestos Disposal Authorization” on the DEP website (www.ct.gov/dep).

A few important additional points about the regulation of materials containing or otherwise contaminated with used oil under DEP’s used oil regulations:

- (1) Any used oils that are removed from such materials are still subject to regulation under used oil requirements.
- (2) If the de-oiled material is burned for energy recovery, and has a substantial fuel value (i.e., over 5000 BTU per pound), it remains subject to regulation as a used oil even if the used oil

has been removed from it such that it no longer has visible signs of free-flowing oil.³ A de-oiled material that is burned for energy recovery, but does not have a substantial fuel value (i.e. does not have a fuel value over 5000 BTU per pound), is treated the same way as any other de-oiled material, as described above.

How Must These Materials Be Handled?

If subject to regulation as used oil as described above, materials that contain or are otherwise contaminated with used oil must be handled the same as any other used oil.

Generators of these wastes must mark them with the words “used oil,” and store them on an impervious surface. If stored outdoors, the generators must also place these containers of these materials within a secondary containment system, to ensure that used oil is not released to the environment. Generators must also comply with all the other used oil generator requirements with respect to these materials. For more information on used oil generator requirements, see DEP Used Oil Fact Sheet #7, “Used Oil from Motor Vehicle Servicing Operations,” or DEP Used Oil Fact Sheet # 8, “Used Oil Generated in Industry and Commerce.” See the last section of this fact sheet for information on how to obtain these fact sheets.

Generators that treat a material containing or otherwise contaminated with used oil to remove the used oil from it, must manage the material in compliance with used oil requirements until the used oil is removed. In addition, any removed used oil must be managed in compliance with the used oil generator requirements.

Persons that collect, transport, store, treat, or recycle materials containing or otherwise contaminated with used oil are subject to the applicable requirements for used oil collection centers and aggregation points, used oil transporters, used oil transfer facilities, used oil processors, used oil marketers, and used oil burners. For more information on the requirements that apply to these types of handlers, refer to section 9 of the DEP guidance document entitled Management of Used Oils in Connecticut. See the last section of this fact sheet for information on how to obtain this document.

Are There Special Requirements for Used Oil Filters?

As indicated above, if used oil is removed from a material that contains or is otherwise contaminated with used oil so that the material no longer has visible signs of free-draining oil, it would no longer be regulated as a used oil. Normally, such a material would be subject to a full hazardous waste determination (including the TCLP), and if found to be hazardous, would have to be handled accordingly.

³**Note: burning in an incinerator or resource recovery facility is not considered burning for energy recovery, but rather burning for disposal.**

However, this is not necessarily the case for used oil filters. Under a July 12, 1991 DEP policy, one type of used oil filters – *automotive used oil filters* – do not have to be tested by TCLP or disposed of as hazardous waste, as long as the following conditions are met:

- (1) The filters are generated from automobiles (not from trucks or other types of vehicles).
- (2) The used oil is removed from the filters by puncturing the filter case and gravity draining for greater than 24 hours, or by crushing the filters either pneumatically or hydraulically. (A combination of both draining and crushing is considered best.)
- (3) The used oil drained from the filters is recycled in accordance with the used oil regulations. And,
- (4) The drained filters cases are disposed of in a permitted solid waste landfill (or better yet, recycled as scrap metal).

In addition, a section of the federal hazardous waste regulations that are incorporated by DEP's Hazardous Waste Management Regulations provides an exemption for a certain class of used oil filters. More specifically, the federal provision at 40 CFR 261.4(b)(13) provides an exemption from the hazardous waste regulations for non-terne-plated used oil filters (terne is an alloy of tin and lead). This exemption can be applied to all types of engine oil filters used in light and heavy-duty vehicles (i.e., cars, vans, trucks, buses, heavy equipment, etc), provided the following conditions are met:

- (1) The filters have not been mixed with listed hazardous waste.
- (2) The filters have been gravity hot-drained using one of the following methods:
 - Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - Hot-draining and crushing;
 - Any other equivalent hot-draining method that will remove used oil.

It should be noted, however, that this exemption does not apply to non-engine oil filters (for example, it does not apply to transmission oil filters or fuel filters). It also does not apply to engine oil filters from vehicles other than light and heavy-duty vehicles (for example, it does not apply to locomotive engine oil filters). These types of filters are subject to a hazardous waste determination under 40 CFR 262.11, and, if found to be hazardous, must be managed as such.

Does the Scrap Metal Exemption Apply to Any of These Materials?

Pursuant to a provision in the federal hazardous waste rules at 40 CFR 261.6(a)(3)(ii), scrap metals are exempt from regulation as hazardous wastes. DEP's hazardous waste regulations incorporate this provision, as long as the metals in question are not *ignitable* or *reactive*. As a result, once any used oil residues have been removed, non-ignitable and non-reactive scrap metal items (including oil filter casings, used equipment, machinery, appliances, mechanical parts, metal turnings, chips, etc.), are not subject to a hazardous waste determination and do not have to be handled as hazardous waste.

It should be noted, however, that this exemption applies only if the materials are legitimately recycled for their scrap metal value. It does not apply if they are disposed of, stockpiled indefinitely without being recycled, or sent to a facility which is not a legitimate scrap metal recycler.

How about Oily Wastewaters?

Like filters, sorbents, etc., oily wastewaters can also fall under the category of materials containing or otherwise contaminated with used oil.⁴ As a result, although initially subject to regulation under used oil requirements, oily wastewaters can be de-oiled and released from these requirements, as described on pages 2 – 3 of this fact sheet. However, these de-oiled wastewaters would remain subject to a hazardous waste determination under 40 CFR 262.11, and, if found to be hazardous, must be handled as hazardous waste. If found to be *non*-hazardous, they may be handled as so-called “Connecticut-regulated wastes,” or treated and discharged via an on-site wastewater treatment system under a permit from DEP’s Water Management Bureau. For more information on Connecticut Regulated wastes, see the DEP fact sheet “Non-RCRA Hazardous Wastes/Connecticut-Regulated Wastes.” (See below for information on how to obtain this fact sheet.) For more information on DEP Water Bureau permits, see the water permitting web page on the DEP web site (www.ct.gov/dep), or call (860) 424-3018.

In addition, there is a separate provision in the federal used oil rules which applies to certain types of oily wastewaters. This provision, which may be found at 40 CFR 279.10(f), concerns oily wastewaters that:

- (1) Are treated in wastewater treatment systems that are permitted under the Clean Water Act (please note that this would include both facilities with a sewage discharge permit from DEP and those discharging directly to a water body under an NPDES permit); and,
- (2) Contain *de minimis* quantities of used oil (defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations, or small amounts of oil lost to the wastewater treatment system during washing or draining operations).

Such wastewaters are exempt from regulation as used oils, as long as the oil that is in them was not discarded as a result of abnormal manufacturing operations (i.e., substantial leaks, spills, etc.). In addition, any used oils, residues, or sludges that are produced as a result of the treatment of these oily wastewaters would remain subject to regulation as used oils.

Where Can I Get More Information on Used Oil?

More information on how to comply with used oil regulations may be found in DEP’s comprehensive, 41-page used oil guidance document entitled Management of Used Oils in Connecticut. DEP also has a number of other helpful fact sheets on the subject of used oil. To obtain copies of any of these documents, or if you have any questions concerning used oil, please contact DEP via the address/telephone numbers listed at the top of this page. Information on used oil and other DEP requirements is also available on the DEP website at www.ct.gov/dep.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.

⁴ Subject to certain limitations – see footnote 2 on page 1.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127

TEL. (860) 424-3023

TOLL-FREE: 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 5

MIXTURES OF USED OIL AND OTHER MATERIALS

This fact sheet describes how mixtures of used oil and other materials are regulated under DEP's used oil regulations.

This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations.¹ It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

Used oils may become mixed with a wide variety of materials. How the resulting mixture is regulated can vary greatly depending on the type of material that is mixed with the used oil. Each of the following Sections 1 through 5 describes the rules that apply to mixtures of used oil and (1) hazardous waste; (2) non-hazardous waste; (3) antifreeze; (4) wastewaters; and, (5) virgin fuels. In addition, Section 6 of this fact sheet describes some additional rules that may apply if used oil contains polychlorinated biphenyls (or "PCBs"). Several other issues concerning used oil mixtures are also discussed in Section 7. Section 8 describes how to obtain additional information about used oil.

1.) Mixtures of Used Oil and Hazardous Waste.

There are many different types of hazardous waste that might possibly become mixed with used oil. However, the types which are most commonly mixed with used oil include mineral spirits parts washers and other, similar types of petroleum-based cleaning solvents. Although high-flash-point formulations of these solvents are now quite common, many have a flash point below 140^o Fahrenheit, which would make them ignitable hazardous wastes (EPA waste code D001).

¹The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

How Are Mixtures of Used Oil and Hazardous Waste Classified?

Mixtures of used oil and hazardous waste are classified as follows:

- (A) Mixtures of Used Oil and Listed Hazardous Waste. If the hazardous waste that is added to the used oil is one that is listed in sections 40 CFR 261.31, .32, or .33 of the federal hazardous waste regulations (that is, a so-called “listed hazardous waste”), the resulting mixture is itself a listed hazardous waste. It does not matter how much listed hazardous waste is added to the used oil – any amount will result in the mixture becoming a listed waste. Examples of listed hazardous wastes that might become mixed with used oil include chlorinated solvents such as 1,1,1-trichloroethane, perchloroethylene, trichloroethylene, and methylene chloride. Other examples include non-chlorinated solvents such as toluene, xylene, and methyl ethyl ketone.
- (B) Mixtures of Used Oil and Characteristic Hazardous Waste. A used oil may become mixed with a hazardous waste that is not listed, but instead meets one or more of the characteristics of hazardous waste as described in section 40 CFR 261.21 through .24 of the federal hazardous waste regulations (that is, ignitable, corrosive, reactive, or “toxic” hazardous wastes). In this case, it is necessary to analyze the resulting mixture for these characteristics in order to determine how it would be regulated. If this analysis indicates that the mixture exhibits none of the characteristics of hazardous waste, then the mixture may be handled as a used oil rather than a hazardous waste. However, if the mixture exhibits any of the characteristics of hazardous waste, it would be classified as a hazardous waste, and may not be handled as used oil.² Examples of characteristic hazardous wastes that might become mixed with used oil include mineral spirits, petroleum naphtha, and Stoddard Solvent.

There is an exception to the above rule for mixtures of used oil and characteristic hazardous wastes that are hazardous only due to ignitability (that is, “ignitable-only hazardous wastes”). These types of mixtures do not have to be evaluated for all possible characteristics in order to be handled as a used oil – only ignitability (i.e., flash point). Therefore, if a mixture of used oil and an ignitable-only parts cleaner (such as mineral spirits) is no longer ignitable, it may be handled as a used oil.

It should be noted that DEP’s used oil regulations do not allow the intentional mixing of used oil and hazardous waste unless it is for legitimate recycling purposes. An example of mixing for legitimate recycling purposes would be the addition of a combustible solvent to used oil to enhance its fuel value prior to being sent to a commercial fuel blender for blending into an industrial fuel.

² Please note that this holds true even if the characteristic that the mixture exhibits comes from the used oil rather than the hazardous waste it is mixed with. For example, if a company mixes a used oil that is high in lead with a waste that is hazardous for barium, and the resulting mixture is hazardous only for lead, the mixture would still be regulated as a hazardous waste.

How Are Containers and Tanks Storing these Mixtures Regulated?

Containers and tanks that are used for the mixing and storage of used oil and hazardous wastes are regulated under both hazardous waste requirements and used oil requirements. Please note that compliance with both sets of requirements is necessary even if the resulting mixture no longer exhibits a characteristic of hazardous waste and can be shipped off-site as a used oil.

What about Mixtures Generated by Conditionally Exempt Small Quantity Generators (CESQGs)?

The Federal used oil regulations have an exemption for CESQGs who mix their hazardous waste with their used oil. This exemption allows CESQGs to add their hazardous waste to their used oil and remain subject to used oil requirements in all cases. However, DEP's used oil regulations are more stringent than the Federal rules with respect to these kinds of mixtures. As a result, CESQGs in Connecticut must comply with the requirements outlined in Steps 1 through 4 above whenever they mix used oil and hazardous waste.

What about Mixtures of Household Hazardous Waste and Used Oil?

Under both State and Federal regulations, household hazardous waste is exempt from hazardous waste management requirements. This concept extends to household hazardous waste that is mixed with used oil. Such mixtures are therefore not subject to the above procedures.³

2.) **Mixtures of Used Oil and Non-Hazardous Waste.**

If a used oil is mixed with a non-hazardous waste, the resulting mixture would be regulated as used oil. An example of a non-hazardous waste that might commonly be mixed with used oil would be a high-flash-point mineral spirits parts washer.⁴

3.) **Mixtures of Used Oil and Antifreeze.**

One waste which is sometimes mixed with used oil is spent antifreeze, which is generated from the routine maintenance of cars, trucks, boats, aircraft, heavy equipment, and various other types of commercial and industrial equipment. Although *virgin* antifreeze typically does not contain hazardous constituents, *spent* antifreeze can contain a variety of contaminants that can make it hazardous. In particular, spent antifreeze may contain constituents such as lead or benzene in excess of hazardous waste limits. As a result, in order to know how a specific mixture of used oil and spent antifreeze is classified, it is necessary to perform a hazardous waste determination on the spent antifreeze, and find out whether or not it is a hazardous waste.

³Please note, however, that a separate DEP recycling requirement prohibits household hazardous waste from being added to used oil at municipal used oil collection centers.

⁴Please note that even a high-flash-point parts washer may become characteristically hazardous if it acquires contaminants (such as metals) during use. Generators of spent parts washers must always perform a thorough hazardous waste determination on these materials prior to mixing them with used oil, to be absolutely certain that they are not hazardous wastes.

If the spent antifreeze is *hazardous*, then the procedures in *Section 1* above would define whether the mixture is classified as a hazardous waste or as a used oil. If the spent antifreeze is *non-hazardous*, then the mixture would be classified as a used oil.

4.) **Mixtures of Used Oil and Wastewaters.**

In some cases, a used oil may become mixed with a wastewater of some type. Typically, such mixtures would be classified in the same way as in the previous Section for antifreeze.⁵ That is, a hazardous waste determination must be performed on the wastewater in order to determine whether or not it is hazardous. If the wastewater is hazardous, the procedures in Section 1 above would define whether the mixture is classified as a hazardous waste or as a used oil. If the wastewater is non-hazardous, then the mixture would be classified as a used oil.

If the used oil is contained in the wastewater at the point of generation (i.e., the two are not mixed together after the point of initial generation), the material would not be regulated as a mixture, but under the provisions for “materials containing or otherwise contaminated with used oil.” For more information on these materials, see DEP’s Used Oil Fact Sheet #4, “Materials Containing or Otherwise Contaminated with Used Oil.” The last section of this fact sheet provides information on how to obtain a copy of Used Oil Fact Sheet #4.

5.) **Mixtures of Used Oil and Virgin Fuel.**

Used oils are often mixed with a fuel of some type. Usually, this is done for fuel blending purposes. As outlined below, such mixtures may be subject to differing requirements, depending on the exact type of fuel involved:

Mixtures of Used Oil and Diesel Fuel Mixed on-Site by the Generator of the Used Oil for Use in the Generator’s own Vehicles. The manufacturers of some diesel engines recommend adding used oil to the diesel fuel prior to use. Such mixtures are not subject to regulation as used oil. However, up until the point that used oil is actually mixed with the diesel fuel, it must be managed in compliance with all applicable used oil requirements.

Other Mixtures of Used Oil and Virgin Fuels. Mixtures of used oil and a virgin fuel *other than* diesel fuel as described above are subject to regulation as used oils.

Mixtures of Used Oil and Off-Specification Virgin Fuels that Are Burned for Energy Recovery. Virgin fuels may sometimes become contaminated such that they are no longer suitable for their original intended purpose. For example, gasoline may become contaminated with water so that it is no longer usable as a motor vehicle fuel. When these kinds of off-spec fuels are mixed with used oil prior to being burned for energy recovery, the resulting mixtures are regulated as used oil.

⁵ Note: any oil/wastewater mixture that is not legitimately recyclable is not considered to be a used oil and must have a hazardous waste determination performed on it to determine if it is regulated as a hazardous waste. Also, DEP’s used oil regulations include an exemption from used oil requirements for wastewaters that are contaminated with de minimis quantities of used oil and that are discharged in accordance with Clean Water Act requirements. See DEP Used Oil Fact Sheet # 4, “Materials Containing or Otherwise Contaminated with Used Oil” for more information on such wastewaters.

Mixtures of Used Oil and Off-Specification Virgin Fuels which Are Recycled but Are NOT Burned for Energy Recovery. If an off-spec virgin fuel is mixed with used oil prior to being recycled in some way other than burning for energy recovery (for example, re-refining), the resulting mixture is classified in the manner described in Section 3 above. That is, a hazardous waste determination must first be performed in order to determine whether or not the off-spec virgin fuel is hazardous. If it is hazardous, the procedures in Section 1 above would define whether the mixture is classified as a hazardous waste or as a used oil. If the off-spec virgin fuel is non-hazardous, then the mixture would be classified as a used oil.

6.) A Special Note about Used Oil Mixtures which Contain PCBs.

Occasionally, used oils may become contaminated with PCBs, or may be mixed with other used oils that contain PCBs. In such cases, the mixture may be subject to special PCB regulations pursuant to the Toxic Substances Control Act (or “TSCA”). The used oil and PCB requirements apply differently, depending upon which of the three following categories the concentration of PCBs in the used oil falls, *prior to any mixing*:

PCB CONCENTRATION PRIOR TO MIXING	APPLICABLE REGULATIONS
1.) 50 parts per million (ppm) or more PCBs.	TSCA Rules Only (40 CFR 761).
2.) Greater than or equal to 2 ppm, but less than 50 ppm.	Used Oil Requirements, <u>and</u> TSCA Rules at 40 CFR 761.20(d) and (e).
3.) Demonstrated to contain less than 2 ppm.	Used Oil Requirements <u>and</u> TSCA Rules at 40 CFR 761.20(d), (e)(2), and (e)(4).

If you have any questions regarding PCB management and disposal, visit the PCB page on the DEP website (www.ct.gov/dep), or call DEP’s PCB program at (860) 424-3368.

7.) Other Important Notes Concerning Mixtures.

Used Oil Mixtures that Are Sent for Disposal. Sections 1 – 5 above apply only to used oil mixtures that are recycled, not those that are sent for disposal. Mixtures that are disposed of require a full hazardous waste determination and, if found to be hazardous, must be managed accordingly.

Mixing May Be Subject to Hazardous Waste Treatment Requirements. The definition of “treatment” in 40 CFR 260.10 includes any activity that renders hazardous waste non-hazardous. Therefore, whenever used oil is added to hazardous waste so that the resulting mixture is non-hazardous, this mixing constitutes hazardous waste treatment. While under the terms of a special DEP policy,⁶ generators may treat their hazardous waste in accumulation tanks or containers without a permit, all

⁶This policy is described in an October 3, 1991 DEP document entitled, “Small/Large Quantity Generators - Treatment in Accumulation Containers and Tanks.” Copies of this document may be obtained by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet.

other types of handlers (such as used oil transporters, used oil transfer facilities, and used oil processors and re-refiners) may not treat hazardous waste without a permit.⁷

Mixing May Be Subject to Used Oil Processor Requirements. Under DEP's used oil regulations, activities such as blending used oil with virgin petroleum products and blending used oil to meet the fuel specification are subject to special requirements for used oil processors. However, some exemptions apply, including: 1.) the consolidation of different sources of used oil at the generation site; 2.) incidental processing that occurs during the normal course of transportation; and, 3.) incidental processing that occurs during the normal course of used oil management prior to burning.

Concerns about Incompatible Materials. Some materials are incompatible with used oil. Mixing such materials with used oil could result in a chemical reaction, fire, explosion, or other potentially dangerous condition. It could also make it difficult or impossible to recycle the used oil, which in turn would make it difficult to find a facility that would accept it. Anyone considering mixing any material with their used oil should be sure that it is compatible with the used oil, and that their hauler and receiving facility are able to accept the resulting mixture.

Materials that Contain or Are Otherwise Contaminated with Used Oil. Materials of this type (which include items such as spent absorbents and used oil filters) are not considered mixtures and are not addressed by this fact sheet. For more information on these materials, please refer to DEP's Used Oil Fact Sheet #4, entitled "Materials Containing or Otherwise Contaminated with Used Oil." See section 8 below for information on how to obtain Used Oil Fact Sheet #4.

8.) How to Get Additional Information about Used Oil.

More information on how to comply with used oil regulations may be found in DEP's comprehensive, 41-page used oil guidance document entitled Management of Used Oils in Connecticut. DEP also has a number of other helpful fact sheets on the subject of used oil. To obtain copies of any of these documents, or if you have any questions concerning used oil, please contact DEP via the address/telephone numbers listed at the top of this page. Information on used oil and other DEP requirements is also available on the DEP website at www.ct.gov/dep.

⁷ While the mixing of used oil and hazardous waste is considered hazardous waste treatment, it is not considered impermissible dilution under 40 CFR 268.3, provided the resulting mixture is going to be recycled.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 6

MANAGEMENT OF TANK BOTTOMS

This fact sheet provides information on the regulation of a number of types of tank bottoms under used oil and hazardous waste requirements. More information on used oil regulations may be found in a DEP guidance document entitled Management of Used Oils in Connecticut, and in several other used oil fact sheets in this series. DEP also has many helpful documents relating to compliance with hazardous waste requirements. If you would like to obtain any of these documents, or if you have any questions regarding this fact sheet, visit the DEP website at www.ct.gov/dep, or contact DEP using the address/telephone numbers listed at the top of this page.

This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations.¹ It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

Certain types of storage tanks may accumulate solids or heavy fractions at the bottom that must be removed from time to time. These materials are commonly referred to as “tank bottoms.” How these materials are regulated can vary greatly depending on the type of storage tank in which the tank bottoms are generated, and depending on how the material is handled. Sections 1 through 3 below address the three most common types of tank bottoms, and describe how each one is regulated. Section 4 below describes the regulation of tank bottoms that are *disposed of* rather than recycled. And lastly, Section 5 below addresses mixtures of tank bottoms and used oil.

1.) Used Oil Tank Bottoms.

Used oil means any oil (crude oil-based, or synthetic) that has been used and as a result of such use is contaminated in some way.² Examples include used automotive oils, hydraulic oils, lubricants,

¹The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies (“RCSA”) Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes (“CGS”) Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

²For a more detailed definition of used oil, please refer to Section 4 of DEP’s used oil guidance document entitled Management of Used Oils in Connecticut.

metalworking oils, heat transfer oils, and dielectric oils. *Virgin* oils of these types are also regulated as used oils when they are being discarded. However, used oil does not include fuel oils or non-mineral (i.e., vegetable or animal) oils.

Tank bottoms from used oil storage tanks are regulated as used oil, as long as they are recycled in some way (for example, burned for energy recovery or re-refined). In addition, if the tank bottoms are going to be burned for energy recovery, they must have a fuel value over 5000 BTUs per pound, in order to be considered a legitimate fuel.

2.) **Fuel Tank Bottoms.**

Tank bottoms may also accumulate in tanks that are used for the storage of fuels such as gasoline, diesel fuel, or fuel oil. Regardless of how they are handled, these types of tank bottoms are not regulated as used oils. However, these types of tank bottoms are still subject to certain waste management requirements, depending on their chemical makeup and how they are recycled:

(A) *If the fuel tank bottoms are going to be burned for energy recovery*, they are not subject to hazardous waste testing requirements *or* to regulation as hazardous wastes, as long as: 1.) they are not stored for over a year; and, 2.) there is documentation confirming that they are legitimate fuels (i.e., they contain a fuel value of over 5000 BTU per pound). However, these tank bottoms would still be subject to Connecticut General Statutes (“CGS”) Section 22a-454. For more information on the requirements of this statute, please refer to DEP’s fact sheet entitled “Non-RCRA Hazardous Waste – Connecticut Regulated Waste.” Copies of this document may be obtained by contacting DEP at the mailing address or telephone numbers listed at the beginning of this fact sheet.

(B) *If the fuel tank bottoms are going to be reclaimed (but not burned for energy recovery)*, they are not subject to hazardous waste testing requirements *or* to regulation as hazardous wastes, as long as: 1.) they are not stored for over a year; and, 2.) there is documentation confirming that the reclamation of the material is legitimate. Although not subject to hazardous waste requirements, these materials are still subject to regulation under CGS Section 22a-454. For more information on this statute, see the end of paragraph (A) above.

3.) **Manufacturing Process Tank Bottoms.**

Tank bottoms may also be generated within manufacturing process units that use or produce oil-based materials. Manufacturing process tank bottoms are regulated differently, depending on the type of oil-based material involved, and how it is used and generated:

- If the tank bottoms were generated in a manufacturing process unit that uses a petroleum-based oil for purposes such as machining, drawing, stamping, or quenching, they would be regulated as used oils as described in section 1 above.

- If the tanks bottoms come from a manufacturing process unit used to produce virgin, petroleum-based, lubricating or other similar oils, they would also be regulated as used oil as described in section 1 above.
- If the tanks bottoms are petroleum-based, but come from a fuel production or process tank, they would be regulated as outlined in section 2 above.
- Manufacturing process tank bottoms other than the above would be regulated based on the nature of the material being generated. A hazardous waste determination would have to be performed on the waste, and if it is found to be hazardous, it would have to be handled as such.³ If found not to be hazardous, the material would still be subject to regulation as a so-called “Connecticut-regulated waste” (see paragraph 2.A. above for more on these wastes).

4.) **Tank Bottoms that Are Disposed of.**

Sections 1 through 3 above are based on the assumption that the tank bottoms are being *recycled*, since most tank bottoms can be recycled in some way. However, some tank bottoms may be too difficult or too costly to recycle, and so must be sent for *disposal*. Regardless of the type of material that they come from, tank bottoms that are disposed of are not subject to used oil requirements. Instead, a hazardous waste determination must be performed in order to establish whether or not they are hazardous waste.³ If they are hazardous, they must be handled in accordance with hazardous waste requirements. If they are not hazardous, they are not subject to hazardous waste requirements, but would still be subject to Connecticut General Statutes (“CGS”) Section 22a-454. For more information on this statute, see the end of paragraph 2.A. above.

5.) **Mixtures of Tank Bottoms and Used Oil.**

There may be some cases in which a handler may wish to add tank bottoms to used oil. For example, a service station operator may wish to add gasoline tank bottoms to used oil generated from automobile servicing. Such mixtures may be subject to used oil or hazardous waste requirements, depending on the exact nature of the tank bottoms involved. For more information on the proper handling of such mixtures, please refer to DEP’s Used Oil Fact Sheet #5, entitled “Mixtures of Used Oil and Other Materials.” In particular, see Section 5 of this fact sheet, which relates to mixtures of used oil and virgin fuels. Copies of this document may be obtained on the DEP website (www.ct.gov/dep), or by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.

³ For guidance on how to perform a hazardous waste determination, please refer to the DEP fact sheet entitled “Hazardous Waste Determinations/Knowledge of Process.” Copies of this document may be obtained on the DEP website (www.ct.gov/dep), or by contacting DEP at the mailing address or telephone numbers listed at the beginning of this fact sheet.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 7

USED OIL GENERATED FROM MOTOR VEHICLE SERVICING OPERATIONS

This fact sheet describes how used oils generated from motor vehicle servicing operations must be managed to ensure compliance with DEP's used oil regulations.¹ The kinds of facilities covered by this fact sheet include:

- automobile dealerships, service stations, and quick-oil-change centers;
- fleet servicing operations;
- auto recyclers and junkyards; and,
- any other type of facility that generates used oil from on- or off-road motor vehicles (including cars, vans, trucks, buses, heavy equipment, etc.).

The following sections of this fact sheet provide detailed information on how these kinds of used oil generators should manage their used oil. While most used oils can be managed under the used oil regulations referenced above, some must be handled under the more stringent hazardous waste requirements, depending on how they are generated, stored, and managed.

Please note that this fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

What Types of Wastes Are Regulated under the DEP's Used Oils Requirements?

The following types of materials are subject to used oil requirements:

- used crankcase (engine) oil;
- used liquid and semi-solid gear, chain, and ball bearing lubricants;
- used brake fluid;
- used automatic transmission fluid; and,
- used power steering fluid.

¹The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

Used oil can also include oils that have become contaminated with air conditioning refrigerants (i.e., Freon). However, certain special requirements apply to this kind of used oil (in particular, it must be recycled for its Freon content).

Materials that contain or are contaminated with used oil can also fall under the definition of used oil. The most common of these are materials include used oil filters, rags and wipers, and absorbents (such as kitty litter, speedi-dri, and absorbent pigs). However, if the used oil is removed from these materials so that no visible free-flowing oil remains in them, they do not have to be managed as used oil any longer (unless they are burned for energy recovery, in which case they remain subject to used oil requirements). If properly de-oiled, tested, and found to be non-hazardous, these materials can be disposed of at a solid waste facility that is permitted to accept them. For more information on the management of these materials, please refer to DEP's Used Oil Fact Sheet # 4 entitled, "Materials Containing or Otherwise Contaminated with Used Oil." See the last section below for more information on how to obtain a copy of Used Oil Fact Sheet #4.

The following types of materials are **NOT** regulated as used oils, and must be evaluated as potentially hazardous wastes:

- antifreeze,
- windshield washer fluid,
- gasoline, and
- virgin fuel oils, virgin fuel tank bottoms, and virgin fuel spill cleanup residues.

Do I Have To Test My Used Oil?

You need to take certain steps to make sure that your used oil does not have to be managed as a hazardous waste. Some of these steps require that you test your used oil. These steps are outlined below. Please note that these steps must be completed fully and in the proper order.

Step One: Checking for Listed Hazardous Waste.

The first step is to take a look at how you generate and store your used oil and determine if it is mixed with any listed hazardous wastes. Listed hazardous wastes can include any of the wastes listed in Sections 40 CFR 261.31 through 40 CFR 261.33 in the federal hazardous waste regulations.² These wastes have EPA waste code numbers beginning with the letters "F," "K," "U," or "P." The types of listed hazardous wastes most commonly found in motor vehicle servicing operations include spent solvents such as 1,1,1-trichloroethane, perchloroethylene, trichloroethylene, methylene chloride, toluene, xylene, and methyl ethyl ketone. These solvents can be found in a variety of products, but are most often found in parts cleaners, brake cleaners, electrical contact cleaners, and paint thinners.

If your used oil has been mixed with listed hazardous waste, it cannot be handled as used oil. Instead, it must be handled as hazardous waste. The amount of listed waste that was mixed with the

²These regulations may be downloaded from the DEP website (www.ct.gov/dep), or obtained in hardcopy form by contacting DEP using the address/telephone numbers listed at the beginning of this fact sheet.

used oil does not matter. Any amount of listed hazardous waste added to your used oil will make the used oil subject to regulation as hazardous waste.

If your used oil has not been mixed with listed hazardous waste, proceed to Step Two below.

Step Two: Checking for Characteristic Hazardous Waste.

The next step is to determine if your used oil is mixed with any characteristic hazardous wastes. Characteristic hazardous wastes are wastes which are ignitable, corrosive, reactive, or toxic, as defined in Sections 40 CFR 261.21 through 40 CFR 261.24 in the federal hazardous waste regulations.³ These wastes have EPA waste code numbers beginning with the letter “D.” The types of characteristic hazardous waste most commonly found in motor vehicle servicing operations include materials such as gasoline, antifreeze, and petroleum-based parts cleaners.

If your used oil has had characteristic hazardous waste added to it, you must have the mixture sampled and tested. If this testing indicates that the mixture is still hazardous, it cannot be managed as used oil. Instead, it must be managed as hazardous waste.⁴ However, if the mixture is no longer hazardous, it may be managed as used oil.

If your used oil has not been mixed with characteristic hazardous waste, or has been mixed but the mixture is not characteristically hazardous, proceed to Step Three below.

Step Three: Testing for Total Halogens.

The next step is to have your used oil sampled and analyzed for total halogens. Most environmental laboratories and commercial used oil facilities can perform this testing. Generators may also test their used oil for total halogens themselves, using EPA-approved test kits that are available through laboratory and safety-supply companies.

If this testing indicates that your used oil does not contain more than 1000 parts per million (ppm) total halogens, then the used oil may be managed under the used oil regulations. In addition, your analysis of the used oil would be complete, and you would not have to go to Step Four below.

However, if this testing indicates that your used oil contains total halogens at greater than 1000 ppm, it is presumed to have been mixed with listed hazardous waste. As a result, the mixture must be managed as a listed hazardous waste (and not as a used oil), unless you can prove that listed hazardous waste was not added. The process of proving that listed hazardous waste was not added to the used oil is known as a “rebuttal of the presumption of mixing” and is described in Step Four below.

³These regulations may be downloaded from the DEP website (www.ct.gov/dep), or obtained in hardcopy form by contacting DEP using the contact information listed at the beginning of this fact sheet.

⁴There is one exception to this rule: if the characteristic hazardous waste which is added to the used oil is hazardous only due to ignitability (i.e., has a flash point below 140°F), the resulting mixture is hazardous only if it is still ignitable (i.e., still has a flash point below 140°F).

Step Four: Rebuttal of the Presumption of Mixing.

If your used oil tested at over 1000 ppm total halogens, but you believe that it was not mixed with listed hazardous waste, you may attempt to rebut the presumption of mixing. To do this, it is necessary to test your used oil for the presence of listed hazardous waste constituents (in particular, chlorinated solvents). As with total halogen testing, most environmental laboratories and commercial used oil facilities are capable of performing this test for you.

If this additional analysis indicates that no listed hazardous waste solvent is present at over 100 ppm, then you would have successfully rebutted the presumption of mixing. However, if the additional testing reveals the presence of even one of these solvents at over 100 ppm, then your rebuttal would be unsuccessful, and the used oil must be handled as a listed hazardous waste.

May I Add My Mineral Spirits Parts Washer or Other Hazardous Wastes To My Used Oil?

Hazardous wastes are often mixed with used oil *unintentionally*, due to factors that are beyond the generator's control (such as when a blown head gasket contaminates used oil with antifreeze). However, some generators may be considering *intentionally* mixing hazardous waste with their used oil. DEP advises against such intentional mixing, for the following reasons:

- Under used oil regulations, hazardous waste may be added to used oil *only* if it is for legitimate recycling purposes. An example would be an ignitable hazardous waste that will contribute fuel value when the used oil mixture is processed into a fuel. If the hazardous waste will not be recycled, and is simply being disposed of by being added to the used oil, it may not be mixed with used oil.
- As is clear from Steps 1-4 above, adding hazardous waste to used oil makes its testing much more complicated. This mixing can also turn the used oil into a hazardous waste, which makes its handling and disposal more difficult and costly.

If you would like more information on mixtures of used oil and hazardous waste, see DEP's Used Oil Fact Sheet #5, entitled "Mixtures of Used Oil and Other Materials." See the last section below for information on how to obtain a copy of this fact sheet.

How Should I Manage My Used Oil while Storing it On-Site?

As long as Steps 1 – 4 above indicate that your used oil is not a hazardous waste, it may be handled under the used oil generator requirements outlined below.⁵ However, if Steps 1 – 4 above indicate that your used oil is hazardous, it must be handled in accordance with hazardous waste requirements. For more information on hazardous waste requirements, visit the DEP website (www.ct.gov/dep), or contact DEP at the address/telephone numbers listed at the beginning of this fact sheet.

⁵This is only an *outline* of the applicable regulations. Generators of used oil should always be sure to have current copies of the regulations, read and become familiar with them, and ensure that their facility is in full compliance with these requirements.

Used oil must be stored in either tanks or containers. These tanks or containers must be marked with the words “Used Oil,” and maintained in good condition (free of rust, dents, leaks and so forth). The tanks or containers must be located indoors on an impervious floor (that is, a good, solid floor, such as coated concrete, that leaks and spills of used oil cannot penetrate and pollute the underlying soil).

If you cannot store your used oil indoors, then you may store it outdoors on an impervious surface, as long as you also provide *secondary containment*, to be sure that any leaks or spills do not run off of the impervious surface onto surrounding soil. Secondary containment may be provided by installing a berm on top of and around the impervious surface. This berm must be high enough to contain any liquids that might accumulate inside it. In general, this berm should be high enough to contain the maximum amount of used oil that could be stored in the storage area. And, unless the outdoor storage area is covered, you should not forget to factor in the build-up of rain and snow inside the area in selecting the height of the berm. Pre-fabricated secondary containment devices (such as containment pallets, sheds, etc.) are also available from commercial vendors.

If you ever have a leak or spill of used oil, you must do the following:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and properly manage the released used oil and other materials; and,
- (4) Repair or replace any leaking used oil storage containers, tanks, or containment structures before using them again.

And, lastly, when you ship your used oil off-site for recycling, any haulers you use must have an EPA Identification Number for their used oil activities, and must have a permit from DEP to transport used oil. In addition, your used oil must go to a facility that is permitted by DEP (or, if it is sent out-of-state, to a facility that meets the receiving state’s requirements for used oil recyclers).

Who is Permitted by DEP to Transport and Recycle Used Oil?

There are a number of companies that are permitted by DEP to transport and recycle used oil. Lists of these companies are available on the DEP website (www.ct.gov/dep), or by contacting DEP at the address/telephone numbers at the beginning of this fact sheet. While DEP cannot recommend any one of these companies over any other, it is important that you be very careful in selecting them. If the firm you select has a spill or contaminates the soil or groundwater at their facility, you could be held responsible for part of the cleanup cost even if the release was not your fault. In addition, the fees these companies charge for taking your used oil may vary greatly from one company to the next.

Are Mobile Used Oil Changers Regulated as Transporters?

There are companies today who, for a fee, will travel to their customer’s place of business, change the oil in their vehicles, and haul away the used oil. These mobile used oil changers are not regulated as used oil transporters, as long as they do not haul more than 55 gallons of used oil at a time, and as long as the used oil goes to an authorized collection center or aggregation point. However, if they exceed these limits, they are subject to used oil transporter requirements.

What If My Used Oil Is Disposed of Instead of Recycled?

DEP's used oil requirements only apply to used oils that are *recycled*. While most used oils can be recycled in some way, some used oils are difficult or impossible to recycle (such as oil-soaked absorbents), leaving the generator with no option other than to send them for *disposal*. In such cases, the used oil cannot be managed under used oil rules. Instead, a thorough hazardous waste determination must be performed on the waste, as required by Section 40 CFR 262.11 of the federal hazardous waste regulations.⁶ This would at least require testing by the Toxicity Characteristic Leaching Procedure (or "TCLP") to determine if the used oil is characteristically hazardous for toxicity. Flash point testing, to determine if the used oil is an ignitable hazardous waste, would also be appropriate (especially if gasoline or ignitable parts washers have been added to the used oil). If any of this testing indicates that the used oil is hazardous, it must be handled and disposed as such. If the used oil is determined not to be hazardous, it may be sent to a non-hazardous industrial waste facility (such as a non-hazardous industrial waste incinerator) for disposal.

May I Use My Used Oil for Road Oiling, Weed Control, or to Keep Dust Down?

No – under DEP rules, used oil cannot be used for any of these purposes. You should be very careful not to put any amount of oil on the ground, since this can contaminate soil, groundwater, and surface water both on your property and on neighboring properties. Once this kind of contamination occurs, it can be very difficult and expensive to clean up, and can reduce the value of your property. It can also lead to your becoming the subject of a DEP enforcement action, which could include a substantial monetary penalty.

May I Burn My Used Oil?

Used oil rules allow a generator to burn used oil in an on-site oil-fired space heater, as long as the following requirements are met:

- (1) The space heater burns only used oil that the owner or operator of the facility generates, or used oil received from household do-it-yourselfer used oil generators;
- (2) The space heater is designed to have a maximum capacity of not more than 0.5 million BTU per hour; and
- (3) The combustion gases from the space heater are vented outside the building.

Please note that only used oil may be burned in these types of space heaters. Space heaters may not be used to burn hazardous waste, or used oil that has been mixed with hazardous waste so as to make it hazardous. In addition, used oil may only be burned in a space heater that is at your workplace. It may not be burned in a residential space heater.

⁶For more information regarding hazardous waste determinations, please refer to the DEP fact sheet entitled "Hazardous Waste Determinations/Knowledge of Process." This document may be obtained on the DEP website or by contacting DEP at the mailing address/telephone numbers listed at the beginning of this fact sheet.

May I Accept Used Oil from Others?

As a generator of used oil, the only kind of used oil you are allowed to accept from off-site is household do-it-yourselfer used oil. You may not take in used oil from other businesses, unless you meet certain requirements for commercial used oil facilities. Also, in many cases, you must have a permit from DEP to accept used oil from other businesses.

Am I Allowed to Mix My Used Oil with Diesel Fuel, as Recommended by the Manufacturers of Certain Types of Vehicles?

The manufacturers of certain types of diesel-powered vehicles recommend that you add used oil to your diesel fuel. If you have vehicles of this type, you may mix your used oil with the diesel fuel per the manufacturer's instructions, and the resulting mixture would no longer have to be managed as a used oil. However, up until the point that the used oil is actually mixed with the diesel fuel, it must be managed in accordance with the on-site storage requirements described on pages 4 – 5 of this fact sheet.

Please note that this applies only to your used oil and to your own vehicles. You may not accept used oil from someone else to put in your diesel fuel. You may also not give your used oil to others to burn in their diesel vehicles.

Are there Other Requirements that I Should Know About?

There are some other laws and regulations that may affect how you manage used oil at your site. A few of the more important ones are listed below.

- Underground Storage Tank (UST) Regulations. You may already be subject to these regulations for any underground fuel tanks you have. These rules also apply to underground tanks used to store used oil. If you have questions about these rules, visit the underground storage tank page on the DEP website (www.ct.gov/dep), or call DEP's UST program at (860) 424-3374.
- PCB Regulations. If any of the used oils you generate contain polychlorinated biphenyls (or "PCBs"), you will have to comply with special handling and disposal requirements for PCBs. If you have questions about these requirements, visit the PCB page on the DEP website (www.ct.gov/dep), or call DEP's PCB program at (860) 424-3368.
- Wastewater Discharge Permits. Certain types of devices (such as oil water separators) that discharge wastewater to the sewer or to surface water bodies require a permit from DEP's Water Management Bureau. If you have questions about these requirements, visit the water permitting page on the DEP website (www.ct.gov/dep), or call the DEP's Water Management Bureau, Permitting & Enforcement Division, at (860) 424-3018.
- Stormwater Discharge General Permit. Certain types of facilities (including many vehicle servicing operations) are required to obtain this permit. To obtain forms and other information relating to this permit, visit the water permitting page on the DEP website (www.ct.gov/dep), or call the DEP's Water Management Bureau, Permitting & Enforcement Division, at (860) 424-3018.

- **SPCC Requirements.** If you store more than 1,320 gallons of used oil and other petroleum products in aboveground tanks or containers over 55 gallons in size, you must comply with the Spill Prevention Control and Countermeasure (“SPCC”) requirements. One of these requirements is to prepare a Spill Prevention and Countermeasures Plan. If you have questions about these requirements, see U.S. EPA New England’s SPCC Program website at <http://www.epa.gov/NE/enforcement/oilspills/index.html>, or call them at (617) 918-1768.
- **Spill Reporting Requirements.** If you have a spill of used oil or any other oil or petroleum liquids, or chemicals, or hazardous waste, you must report it immediately to DEP via DEP’s 24-hour spill reporting number. This number is (860) 424-3338. In addition, if the spill results in a visible oil sheen on a navigable waterway, or exceeds the reportable quantities for any CERCLA hazardous substances,⁷ you must also report the spill to the National Response Center at 1-800-424-8802.

How May I Get More Information?

If you would like more information on any of the used oil topics discussed above, DEP has prepared a guidance document which is much more detailed than this fact sheet. The title of this guidance document is Management of Used Oils in Connecticut, and it may be obtained by contacting DEP using the address/telephone numbers listed at the beginning of this fact sheet. DEP also has a number of other used oil fact sheets that are available. The fact sheets of greatest interest to those generating used oil from motor vehicle servicing include the following:

- Used Oil Fact Sheet # 4: “Materials Containing or Otherwise Contaminated with Used Oil”
- Used Oil Fact Sheet # 5: “Mixtures of Used Oil and Other Materials”
- Used Oil Fact Sheet # 6: “Management of Tank Bottoms”
- Used Oil Fact Sheet # 9: “Management of Household Do-It-Yourselfer Used Oil”
- Used Oil Fact Sheet # 10: “Used Oil from Boats, Ships, and Other Watercraft”

DEP also has two other helpful guidance documents for those in the motor vehicle servicing industry. The first is the DEP’s Pit Stops guidance – a series of several fact sheets discussing the different environmental requirements that apply to motor vehicle servicing operations. This document may be obtained by visiting the DEP web site (www.ct.gov/dep), or by contacting the DEP’s Office of Pollution Prevention at (860) 424-3297. The second document is the Auto Recycling Industry Compliance Guide – a similar guidance aimed specifically at auto recyclers. This document may be obtained via the DEP website, or by calling the DEP’s Office of Enforcement & Policy Coordination at (860) 424-3001.

⁷ CERCLA stands for the Comprehensive Environmental Response, Compensation, and Liability Act. If you have questions about this federal law, or if you would like to request a listing of the hazardous substances that are regulated under this law, visit the U.S. EPA website at <http://www.epa.gov/superfund/resources/rq/index.htm>, or call EPA toll-free at 1-800-424-9346.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023

TOLL-FREE 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 8

USED OIL GENERATED IN INDUSTRY AND COMMERCE

This fact sheet describes how used oils generated at industrial and commercial facilities must be managed to ensure compliance with DEP's proposed used oil regulations.¹ Examples of facilities covered by this fact sheet include:

- manufacturers;
- machine shops; and,
- non-industrial operations that generate used oil, such as warehouses and utility facilities.

The following sections of this fact sheet provide detailed information on how these kinds of used oil generators should manage their used oils. While most used oils can be managed under the used oil regulations referenced above, some must be handled under the more stringent hazardous waste requirements, depending on how they are generated, stored, and managed.

Please note that this fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

What Types of Wastes Are Regulated under DEP's Used Oils Requirements?

Some examples of wastes that are regulated under used oil requirements include:

- used liquid and semi-solid gear, chain, and ball bearing lubricants;
- used hydraulic and compressor oils;
- used metalworking fluids and oils (including water soluble coolants);
- used drawing and stamping oils;
- used heat transfer oils (including quenching oils);
- used crankcase (engine) oil and other motor vehicle oils; and,
- used dielectric fluid (e.g. transformer oil).

¹The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

Used oil can also include oils that have become contaminated with air conditioning refrigerants (i.e., Freon). However, certain special requirements apply to this kind of used oil (in particular, it must be recycled for its Freon content).

Materials that contain or are contaminated with used oil can also fall under the definition of used oil. Common examples of these materials include items such as used oil filters, rags and wipers, absorbents (i.e., kitty litter, speedi-dri, absorbent pigs, etc.), oil-contaminated metal chips or turnings, and unwanted equipment, machinery, or parts that contain used oil. However, if the used oil is removed from these materials so that no visible free-flowing oil remains in them, they do not have to be managed as used oil any longer (unless they are burned for energy recovery, in which case they remain subject to used oil requirements). If properly de-oiled, tested, and found to be non-hazardous, these materials may be disposed of at a solid waste facility that is permitted to accept them. For more information on the management of these types of materials, please refer to DEP's Used Oil Fact Sheet # 4 entitled, "Materials Containing or Otherwise Contaminated with Used Oil." See the last section below for more information on how to obtain a copy of Used Oil Fact Sheet #4.

The following types of materials are **NOT** regulated under used oil requirements, and must be evaluated as potentially hazardous wastes:

- virgin fuel oils, virgin fuel tank bottoms, and virgin fuel spill cleanup residues;
- oils which are used as cleaning agents, or solely for their solvent properties;
- animal and vegetable oils (such as animal-fat-based drawing compounds); and,
- antifreeze and other non-oil-based vehicle fluids.

Do I Have To Test My Used Oil?

You need to take certain steps to make sure that your used oil does not have to be managed as a hazardous waste. Some of these steps require that you test your used oil. These steps are outlined below. Please note that these steps must be completed fully and in the proper order.

Step One: Checking for Listed Hazardous Waste.

The first step is to take a look at how you generate and store your used oil and determine if it is mixed with any listed hazardous wastes. Listed hazardous wastes can include any of the wastes listed in Sections 40 CFR 261.31 through 40 CFR 261.33 in the federal hazardous waste regulations.² These wastes have EPA waste code numbers beginning with the letters "F," "K," "U," or "P." Examples of listed hazardous waste include many common degreasing solvents (such as 1,1,1-trichloroethane, perchloroethylene, trichloroethylene, and methylene chloride), and many common paint solvents (such as acetone, methanol, MEK, toluene, and xylene). In addition, some specialty machining coolants (for example, older formulations of "Cool Tool" and "Tap Magic") may contain listed hazardous waste constituents.

²These regulations may be downloaded from the DEP website (www.ct.gov/dep), or obtained in hardcopy form by contacting DEP using the address/telephone numbers listed at the beginning of this fact sheet.

If your used oil has been mixed with listed hazardous waste, it cannot be handled as used oil. Instead, it must be handled as hazardous waste. The amount of listed waste that was mixed with the used oil does not matter. Any amount of listed hazardous waste added to used oil will make the used oil subject to regulation as a hazardous waste.

If your used oil has not been mixed with listed hazardous waste, proceed to Step Two below.

Step Two: Checking for Characteristic Hazardous Waste.

The next step is to determine if your used oil is mixed with any characteristic hazardous wastes. Characteristic hazardous wastes are wastes which are ignitable, corrosive, reactive, or toxic, as defined in Sections 40 CFR 261.21 through 40 CFR 261.24 in the federal hazardous waste regulations.³ These wastes have EPA waste code numbers beginning with the letter “D.” Common examples of characteristic hazardous wastes that might become mixed with used oil include waste parts washer solutions, paints, solvents, and ignitable fuels such as gasoline.

If your used oil has had characteristic hazardous waste added to it, you must have the mixture sampled and tested. If this testing indicates that the mixture is still hazardous, it cannot be managed as used oil. Instead, it must be managed as hazardous waste.⁴ However, if the mixture is no longer hazardous, it may be managed as used oil.

If your used oil has not been mixed with characteristic hazardous waste, or has been mixed but the mixture is no longer characteristically hazardous, proceed to Step Three below.

Step Three: Testing for Total Halogens.

The next step is to have your used oil sampled and analyzed for total halogens. Most environmental laboratories and commercial used oil facilities can perform this testing. Generators may also test their used oil for total halogens themselves, using EPA-approved test kits that are available through laboratory and safety-supply companies.

If this testing indicates that your used oil does not contain more than 1000 parts per million (ppm) total halogens, then the used oil may be managed under the used oil regulations. In addition, your analysis of the used oil would be complete, and you would not have to go to Step Four below.

However, if this testing indicates that your used oil contains total halogens of greater than 1000 ppm, it is presumed to have been mixed with listed hazardous waste. As a result, the mixture must be managed as a listed hazardous waste (and not as a used oil), unless you can prove that listed hazardous waste was not added. The process of proving that listed hazardous waste was not added to

³These regulations may be downloaded from the DEP website (www.ct.gov/dep), or obtained in hardcopy form by contacting DEP using the address/telephone numbers listed at the beginning of this fact sheet.

⁴There is one exception to this rule: if the characteristic hazardous waste which is added to the used oil is hazardous only due to ignitability (i.e., has a flash point below 140°F), the resulting mixture is hazardous only if it is still ignitable (i.e., still has a flash point below 140°F).

the used oil is known as a “rebuttal of the presumption of mixing,” and is described in Step Four below.

Step Four: Rebuttal of the Presumption of Mixing.

If your used oil tested at over 1000 ppm total halogens, but you believe that it was not mixed with listed hazardous waste, you may attempt to rebut the presumption of mixing. To do this, you must test your used oil for the presence of listed hazardous waste constituents (in particular, chlorinated solvents). As with total halogen testing, most environmental laboratories and commercial used oil facilities are capable of performing this test for you.⁵

If this additional analysis indicates that no listed hazardous waste solvent is present at over 100 ppm, then you would have successfully rebutted the presumption of mixing. However, if the additional testing reveals the presence of even one of these solvents at over 100 ppm, then your rebuttal would be unsuccessful, and the used oil must be handled as a listed hazardous waste.

May I Intentionally Add Hazardous Wastes To My Used Oil?

Hazardous wastes often become mixed with used oil unintentionally, due to unavoidable process design factors. Such mixtures occur prior to the point that the used oil is actually generated. However, some generators may consider mixing one or more hazardous wastes with used oil after they are generated. DEP advises against such intentional mixing, for the following reasons:

- Under used oil regulations, hazardous waste may be added to used oil only if it is for legitimate recycling purposes. An example would be an ignitable hazardous waste that will contribute fuel value when the used oil mixture is processed into a fuel. If the hazardous waste will not be recycled, and is simply being disposed of by being added to the used oil, it may not be mixed with used oil.
- As is clear from Steps 1-4 above, adding hazardous waste to used oil makes its testing much more complicated. This mixing may also turn the used oil into a hazardous waste, which makes its handling and disposal more difficult and costly.

If you would like more information on mixtures of used oil and hazardous waste, see DEP’s Used Oil Fact Sheet #5, entitled “Mixtures of Used Oil and Other Materials.” See the last section below for information on how to obtain a copy this fact sheet.

How Should I Manage My Used Oil while Storing it On-Site?

As long as Steps 1 – 4 above indicate that your used oil is not a hazardous waste, it may be handled under the used oil generator requirements outlined below. However, if Steps 1 – 4 above indicate that your used oil is hazardous, it must be handled in accordance with hazardous waste requirements.

⁵One common cause of high total halogens is chlorinated paraffins, which are present in many virgin metalworking oils. While documentation of the presence of such additives can be used in part to rebut the presumption of mixing, testing is still necessary in most cases to confirm that contamination with listed hazardous waste has not occurred.

For more information on hazardous waste requirements, visit the DEP website (www.ct.gov/dep), or contact DEP at the address/telephone numbers listed at the beginning of this fact sheet.⁶

Used oil must be stored in either tanks or containers. These tanks or containers must be marked with the words “Used Oil,” and maintained in good condition (free of rust, dents, leaks and so forth). They must be located indoors on an impervious floor (that is, a good, solid floor, such as coated concrete, that leaks and spills of used oil cannot penetrate and pollute the underlying soil).

If you cannot store your used oil indoors, then you may store it outdoors on an impervious surface, as long as you also provide *secondary containment*, to be sure that any leaks or spills do not run off of the impervious surface onto surrounding soil. Secondary containment may be provided by installing a berm on top of and around the impervious surface. This berm must be high enough to contain any liquids that might accumulate inside it. In general, it is recommended that this berm be high enough to contain the maximum amount of used oil that could be stored in the storage area. And, unless the outdoor storage area is covered, you should not forget to factor in the build-up of rain and snow inside the area in selecting the height of the berm. Pre-fabricated secondary containment devices (such as containment pallets, sheds, etc.) are also available from commercial vendors.

If you ever have a leak or spill of used oil, you must do the following:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and properly manage the released used oil and other materials; and,
- (4) Repair or replace any leaking used oil storage containers, tanks, or containment structures before using them again.

And, lastly, when you ship your used oil off-site for recycling, any haulers you use must have an EPA Identification Number for their used oil activities, and must have a permit from DEP to transport used oil. In addition, your used oil must go to a facility that is permitted by DEP (or, if it is sent out-of-state, to a facility that meets the receiving state’s requirements for used oil recyclers).

Who is Permitted by DEP to Transport and Recycle Used Oil?

There are a number of companies that are permitted by DEP to transport and recycle used oil. Lists of these companies are available on the DEP website (www.ct.gov/dep), or by contacting DEP at the address/telephone numbers at the beginning of this fact sheet. While DEP cannot recommend any one of these companies over any other, it is important that you be very careful in selecting them. If the firm you choose has a spill or contaminates the soil or groundwater at their facility, you could be held responsible for part of the cleanup cost even if the release was not your fault. In addition, the fees these companies charge for taking your used oil may vary greatly from one company to the next.

⁶This is only an *outline* of the applicable regulations. Generators of used oil should always be sure to have current copies of the regulations, read and become familiar with them, and ensure that their facility is in full compliance.

What If My Used Oil Is Disposed of Instead of Recycled?

DEP's used oil requirements only apply to used oils which are *recycled*. While most used oils can be recycled in some way, there are some that are difficult or impossible to recycle (such as oil-soaked absorbents or heavily emulsified oils), leaving the generator with no option other than to send them for *disposal*. In such cases, the used oil cannot be managed under used oil rules. Instead, a thorough hazardous waste determination must be performed on the waste, as required by Section 40 CFR 262.11 of the federal hazardous waste regulations⁷. This would at least require testing by the Toxicity Characteristic or Leaching Procedure (or TCLP) to determine if the used oil is characteristically hazardous for toxicity. Flash point testing, to determine if the used oil is an ignitable hazardous waste, would also be appropriate (especially if gasoline or flammable solvents have been added to the used oil). If any of this testing indicates that the used oil is hazardous, it must be handled and disposed as such. If the used oil is determined not to be hazardous, it may be sent to a non-hazardous industrial waste facility (such as a non-hazardous industrial waste incinerator) for disposal.

May I Use My Used Oil for Road Oiling, Weed Control, or to Keep Dust Down?

No – under DEP rules, used oil cannot be used for any of these purposes. You should be very careful not to put any amount of oil on the ground, since this can contaminate soil, groundwater, and surface water both on your property and on neighboring properties. Once this kind of contamination occurs, it can be very difficult and expensive to clean up, and can reduce the value of your property. It can also lead to your becoming the subject of a DEP enforcement action, which could include a substantial monetary penalty.

May I Burn My Used Oil?

Used oil rules allow a generator to burn used oil in an on-site oil-fired space heater, as long as the following requirements are met:

- (1) The space heater burns only used oil that the owner or operator of the facility generates, or used oil received from household do-it-yourselfer used oil generators;
- (2) The space heater is designed to have a maximum capacity of not more than 0.5 million BTU per hour; and
- (3) The combustion gases from the space heater are vented outside the building.

Please note that only used oil may be burned in these types of space heaters. Space heaters may not be used to burn hazardous waste, or used oil that has been mixed with hazardous waste so as to make it hazardous. In addition, used oil may only be burned in a space heater located in your workplace. It may not be burned in a residential space heater.

⁷For more information regarding hazardous waste determinations, please refer to the DEP fact sheet entitled "Hazardous Waste Determinations/Knowledge of Process." This document may be obtained on the DEP website (www.ct.gov/dep), or by contacting DEP at the mailing address/telephone numbers listed at the beginning of this fact sheet.

May I Accept Used Oil from Others?

As a generator of used oil, the only kind of used oil you are allowed to accept from off-site is household do-it-yourselfer used oil. You may not take in used oil from other businesses, unless you meet certain requirements for commercial used oil facilities. Also, in many cases, you must have a permit to accept used oil from other businesses.

Am I Allowed to Mix My Used Oil with Diesel Fuel, as Recommended by the Manufacturers of Certain Types of Vehicles?

The manufacturers of certain types of diesel-powered vehicles recommend that you add used oil to your diesel fuel. If you have vehicles of this type, you may mix your used oil with the diesel fuel per the manufacturer's instructions, and the resulting mixture would no longer have to be managed as a used oil. However, up until the point that the used oil is actually mixed with the diesel fuel, it must be managed in accordance with the on-site storage requirements described on pages 4 – 5 of this fact sheet.

Please note that this applies only to your used oil and to your own vehicles. You may not accept used oil from someone else to put in your diesel fuel. You may also not give your used oil to others to burn in their diesel vehicles.

Are there Other Requirements that I Should Know About?

There are some other laws and regulations that may affect how you manage used oil at your site. A few of the more important ones are listed below.

- Underground Storage Tank (UST) Regulations. You may already be subject to these regulations for any underground fuel tanks you have. These rules also apply to underground tanks used to store used oil. If you have questions about these rules, visit the underground storage tank page on the DEP website (www.ct.gov/dep), or call DEP's UST program at (860) 424-3374.
- PCB Regulations. If any of the used oils you generate contain polychlorinated biphenyls (or "PCBs"), you will have to comply with certain special handling and disposal requirements. If you have questions about these requirements, visit the PCB page on the DEP website (www.ct.gov/dep), or call DEP's PCB program at (860) 424-3368.
- Wastewater Discharge Permits. Certain types of devices (such as oil water separators) that discharge wastewater to the sewer or to surface water bodies require a permit from DEP's Water Management Bureau. If you have questions about these requirements, visit the water permitting page on the DEP website (www.ct.gov/dep), or call the DEP's Water Management Bureau, Permitting & Enforcement Division, at (860) 424-3018.

- **Stormwater Discharge General Permit.** Certain types of facilities (including many industrial and commercial operations) are required to obtain this permit. To obtain forms and other information relating to this permit, visit the water permitting page on the DEP website (www.ct.gov/dep), or call the DEP’s Water Management Bureau, Permitting & Enforcement Division, at (860) 424-3018.
- **SPCC Requirements.** If you store more than 1,320 gallons of used oil and other petroleum products in aboveground tanks or containers over 55 gallons in size, you must comply with the Spill Prevention Control and Countermeasure (“SPCC”) requirements. One of these requirements is to prepare a Spill Prevention and Countermeasures Plan. If you have questions about these requirements, see U.S. EPA New England’s SPCC Program website at <http://www.epa.gov/NE/enforcement/oilspills/index.html>, or call them at (617) 918-1768.
- **Spill Reporting Requirements.** If you have a spill of used oil or any other oil or petroleum liquids, or chemicals, or hazardous waste, you must report it immediately to DEP via DEP’s 24-hour spill reporting number. This number is (860) 424-3338. In addition, if the spill results in a visible oil sheen on a navigable waterway, or exceeds the reportable quantities for any CERCLA hazardous substances,⁸ you must also report the spill to the National Response Center at 1-800-424-8802.

How May I Get More Information?

If you would like more information on any of the used oil topics discussed above, DEP has prepared a guidance document which is much more detailed than this fact sheet. The title of this guidance document is Management of Used Oils in Connecticut, and it may be obtained by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet. DEP also has a number of other Used Oil Fact Sheets which are available. The fact sheets of greatest interest to industrial/commercial used oil generators are listed below:

Used Oil Fact Sheet # 4:	Materials Containing or Otherwise Contaminated with Used Oil
Used Oil Fact Sheet # 5:	Mixtures of Used Oil and Other Materials
Used Oil Fact Sheet # 6:	Management of Tank Bottoms
Used Oil Fact Sheet # 9:	Management of Household Do-It-Yourselfer Used Oil
Used Oil Fact Sheet # 10:	Used Oil from Boats, Ships, and Other Watercraft

If you have any questions, you may also contact DEP directly for assistance.

⁸ CERCLA stands for the Comprehensive Environmental Response, Compensation, and Liability Act. If you have questions about this federal law, or if you would like to request a listing of the hazardous substances that are regulated under this law, visit the U.S. EPA website at <http://www.epa.gov/superfund/resources/rq/index.htm>, or call EPA toll-free at 1-800-424-9346.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 9

MANAGEMENT OF HOUSEHOLD DO-IT-YOURSELF USED OIL

What Is Household Do-It-Yourself Used Oil?

Household do-it-yourself used oil (or “DIY oil”) is oil that is generated by individuals in households, from activities such as the maintenance of personal vehicles. DIY oil includes crank case oil and other types of oils, such as transmission fluid, power steering fluid, hydraulic fluid, and brake fluid. These oils may come from any type of motorized vehicles, including cars, vans, trucks, motorcycles, off-road vehicles, lawn care vehicles, and snow blowers.

DIY oil does **NOT** include other vehicle fluids, such as antifreeze, windshield washer fluid, or fuels (including gasoline and diesel fuel). It also does not include used oil that is generated through the maintenance of commercial vehicles. Owners of commercial vehicles are subject to special requirements for the management of their used oil.

Why Is It Important to Properly Dispose of DIY Oil?

Just one quart of DIY oil can make millions of gallons of drinking water unfit to drink. Since over a million gallons of DIY oil are generated in Connecticut each year, it is easy to see just how much of a threat to our drinking water supplies improperly disposed of DIY oil can be. DIY oil that is improperly disposed of can also kill trees and other plants, harm fish and wildlife, and pollute rivers, streams, and wetlands.

How May DIY Oil Be Properly Disposed of?

Connecticut law requires every town in the State to provide its residents with a way to properly dispose of their DIY oil. Most towns meet this requirement by providing a DIY oil tank at the town transfer station or recycling facility for their residents to use. In addition to collecting DIY oil, many towns also collect used oil filters and antifreeze. Many towns also have separate collections for household hazardous waste. If you would like to find out about the services that are available in your area, call your town or city hall for details.

While municipal DIY oil collection centers offer the best alternative for disposing of DIY oil, some service stations or auto repair centers may also be willing to accept it. Regardless of which of the above is used, generators of DIY oil should be sure that they:

- Do NOT mix DIY oil with antifreeze, other vehicle fluids, or hazardous waste.
- Do NOT burn DIY oil in residential boilers or space heaters.
- Do NOT pour DIY oil into sewers or storm drains.
- Do NOT dump DIY oil on the ground, use it for weed control, or to keep dust down.

The above activities can cause pollution of air, water, or soil, and may constitute serious violations of state or federal laws.

What Rules Apply to DIY Oil Collection Centers?

As long as they properly dispose of their used oil, generators of DIY oil are not subject to DEP's used oil regulations. However, this exemption ends once a DIY oil is taken to a DIY oil collection center. As a result, the DIY collection center is fully subject to DEP's used oil rules. This means that the collection center is responsible for properly testing the oil, and documenting that it has not been mixed with hazardous waste. The collection center must also ensure that the oil is sent to a permitted used oil recycling facility, and that it is shipped via transporters that are permitted by DEP to haul used oil. The collection center must also ensure that the used oil is properly stored in containers or tanks. In addition, collection centers are also subject to the requirements of DEP's *General Permit to Construct and Operate Certain Recycling Facilities*. This general permit has a number of requirements that collection centers must follow in addition to DEP's used oil regulations.

May DIY Oil Collection Centers Take in Other Types of Used Oil?

DIY collection centers may take in used oil from other sources (such as a town garage or other municipal operations), but doing this may result in their having to comply with additional used oil requirements.

How May I Get More Information on Used Oil?

DEP has prepared a detailed guidance document and numerous other fact sheets on used oil. Copies of these documents may be obtained by visiting the DEP website (www.ct.gov/dep), or by contacting DEP using the address/telephone numbers listed at the beginning of this fact sheet. For information about DEP's recycling general permit, you may call DEP's Waste Planning & Standards Division at (860) 424-3365.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 10

USED OIL FROM BOATS, SHIPS, AND OTHER WATERCRAFT

This fact sheet provides information about the proper disposal of used oil generated by:

- private boat owners;
- marinas and other commercial docking facilities;
- boat maintenance and repair facilities;
- commercial boat owners (i.e., cargo and ferry lines, and commercial fishermen); and,
- military facilities (i.e., U.S. Navy and Coast Guard facilities).

Please note that this fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations.¹ It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

What Types of Used Oils Are Addressed by This Fact Sheet?

Examples of used oil that may be generated from boats, ships, and other watercraft include:

- used crankcase (engine) oil;
- used liquid and semi-solid gear, chain, and ball bearing lubricants; and,
- used hydraulic fluid.

On-board air conditioning systems may also generate used oils that are contaminated with refrigerants (such as Freon). However, certain special requirements apply to this kind of used oil (in particular, it must be recycled for its Freon content). Materials that contain or are contaminated with used oil can also fall under the definition of used oil. The most common of these materials are used oil engine filters, rags and wipers, and absorbents (such as kitty litter, speedi-dri, and absorbent pigs). Another waste stream that can often contain used oil is bilge water. However, if the used oil is removed from these materials so that no visible free-flowing oil remains in them, they do not have to be managed as used oil any longer (unless they are burned for energy recovery, in which case they remain subject to used oil requirements). If properly de-oiled, tested, and found to be non-hazardous, these materials can be disposed of at a facility permitted by DEP to accept such wastes.

¹ The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

The following types of materials are **NOT** classified as used oils, and are not addressed by this fact sheet:

- antifreeze;
- waste gasoline, diesel or other fuels; and
- virgin fuel oils (however, virgin lubricating oils and other non-fuel virgin oils that are discarded are regulated as used oil).

In addition, this fact sheet does not cover hazardous wastes, such as boat painting wastes. DEP has other fact sheets and guidance on these wastes – visit the DEP website (www.ct.gov/dep), or call DEP at one of the phone numbers listed at the top of this fact sheet for more information.

Are There Special Rules for Used Oil Generated by Private Boat Owners?

Used oil that is generated by private boat owners is not subject to the same requirements as used oil generated from commercial boat maintenance operations. Instead, private boat owners that do work on their own boats are classified as household “Do-It-Yourselfers” (just like those who do routine maintenance on their own cars, trucks, or other vehicles). The used oil generated by such do-it-yourselfers is exempt from DEP’s used oil rules, as long as it is properly disposed of. This means taking the used oil to an authorized Do-It-Yourselfer used oil collection center. Some marinas may accept Do-It-Yourselfer used oil, and most towns in Connecticut will accept this type of used oil at their local transfer station or recycling facility. Many towns also collect used oil filters and antifreeze at these facilities. In addition, many towns offer separate collections for household hazardous waste. For information on the services available in your area, call your town or city hall for details.

Regardless of which of the above is used, Do-It-Yourselfers should be sure that they:

- Do NOT mix used oil with antifreeze or hazardous waste.
- Do NOT burn used oil in residential boilers or space heaters.
- Do NOT dump used oil overboard.
- Do NOT pour used oil into sewers or storm drains.
- Do NOT dump used oil on the ground, use it for weed control, or to keep dust down.

The above activities can cause pollution of air, water, or soil, and may constitute serious violations of state or federal laws.

What Rules Apply to Do-It-Yourselfer Used Oil Collection Centers?

As indicated above, generators of Do-It-Yourselfer used oil are not subject to DEP’s used oil regulations. However, this exemption ends once the used oil is taken to a Do-It-Yourselfer used oil collection center. As a result, the collection center is fully subject to DEP’s used oil rules. This means that the collection center is responsible for properly testing the oil, and documenting that it has not been mixed with hazardous waste. The collection center must also ensure that the oil is sent to a permitted used oil recycling facility, and that it is shipped via transporters that are permitted by DEP to haul used oil. The collection center must also ensure that the used oil is properly stored in containers or tanks. In addition, collection centers are also subject to certain permitting requirements. To find out how to get more information about the proper management of Do-It-Yourselfer used oil, please see the last section of this fact sheet.

What Requirements Apply to Commercially Generated Used Oils?

Unlike Do-It-Yourselfer used oil, used oil which is generated from either:

- (1) the maintenance of commercial boats, or
- (2) the maintenance of private boats at commercial boat maintenance or repair facilities,

is fully subject to DEP's used oil regulations. Generators of such oils must test their used oil, document that it has not been mixed with hazardous waste, and properly store it while it is on-site. Commercial haulers of such used oil must be permitted to transport used oil in Connecticut. Facilities that are in the business of storing or treating used oil are also required to have permits from DEP. To find out how to get more information about the proper management of commercially-generated used oil, please see the last section of this fact sheet.

How Do Used Oil Rules Apply When a Vessel Is at a Dock or Port Facility?

Commercially-generated used oils that are generated on board boats, ships and other watercraft become subject to DEP's used oil regulations at the time that the used oil is actually transferred ashore. Depending on the relationship between the owner/operator of the vessel and the dock or port facility at which used oil is being off-loaded, the used oil regulations may apply differently, as outlined in the following four examples:

- (1) The owner/operator of the vessel is the same as the owner/operator of the facility receiving and storing the used oil. In this case, the dock or port facility is simply acting as a generator of used oil, and is not required to have a permit to transfer this used oil ashore or store it prior to shipping it off-site for proper disposal.
- (2) The owner/operator of the vessel is different from the owner/operator of the facility receiving and storing the used oil. In this case, the dock or port facility is acting as a used oil transfer or storage facility, and may be required to have a permit from DEP for this activity. The facility must also comply with the applicable used oil transfer or storage facility regulations.
- (3) The owner/operator of the vessel is different from the owner/operator of the facility, but the used oil is generated as the result of maintenance performed by the facility. In this case, the used oil is not generated while the vessel is out in open water, but as part of maintenance activities performed by the port or dock facility. In this case, the owner/operator of the vessel and the port or dock facility are considered "co-generators" of the used oil. Although the port or dock facility usually assumes this responsibility for compliance with the generator requirements for this used oil, both are considered equally responsible for ensuring that the used oil is properly managed and disposed of.
- (4) The oil is not stored at the port or dock facility, but is transferred to waiting vehicles and immediately shipped off-site for proper disposal. In this case, the owner/operator of the vessel is considered the sole generator of the used oil. The owner/operator of the transport vehicle that the used oil is transferred to is regulated as a used oil transporter. The port or dock facility is not a used oil generator, transporter, transfer or storage facility, and is not subject to DEP's used oil regulations.

May Used Oil Be Mixed with Diesel Fuel, as Recommended by the Manufacturers of Some Diesel Engines?

The manufacturers of certain diesel engines recommend that you add used oil to your diesel fuel. If you have a diesel engine of this type, you may mix your used oil with virgin diesel fuel according to the manufacturer's instructions. However, up until the point that the used oil is actually mixed with the diesel fuel, it must be handled exactly the same as any other used oil.

Please note that this exemption applies only to your used oil and only if it is used in your own diesel engines. You may not accept used oil from someone else to put into your diesel fuel. You may also not offer your used oil to others to add to their diesel fuel.

Are There Any Other Requirements I Should Know About?

In addition to the disposal requirements outlined above, there are a number of other laws and regulations that can apply to used oil. Most importantly, spills of used oil (or any other petroleum liquids, chemicals, or hazardous waste) must immediately be reported via DEP's 24-hour spill reporting number: (860) 424-3338. In addition, certain facilities may be subject to DEP's underground storage tank regulations, or may require permits from DEP's Water Management Bureau. And, lastly, some vessels may be subject to MARPOL 73/78, an international agreement that is designed to prevent marine pollution. If you are interested in obtaining more information on any of these issues, please refer to the next section for details.

How May I Get More Information on Used Oil?

DEP has a number of other helpful documents on used oil, which are available on the DEP website (www.ct.gov/dep), or by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet. For more information on Do-It-Yourselfer used oil, see DEP's Used Oil # 9 – "Management of Household Do-It-Yourselfer Used Oil." For more information on the proper management of commercially-generated used oil, see DEP's Used Oil Supplemental Fact Sheet # 7 – "Used Oil Generated From Motor Vehicle Servicing Operations." Even more information is available in a detailed guidance document from DEP entitled Management of Used Oil in Connecticut. Persons with questions may also call or write DEP directly for assistance.

In addition, DEP's Office of Long Island Sound Programs (OLISP) has produced an outreach program specifically for marinas, to assist them in complying with the various environmental requirements that apply to them. Called the Clean Marina Program, the program is described in detail on the clean marina web page on DEP's web site (www.ct.gov/dep). In particular, see the link on that page to the Clean Marina Guide, a comprehensive guidance document developed especially for marinas.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT AND
COMPLIANCE ASSURANCE
ENGINEERING & ENFORCEMENT DIVISION**

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE: 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 11

USED OIL GENERATED ON FARMS

This fact sheet was written to provide information about the proper disposal of used oil generated from agricultural operations, including dairy, beef, poultry, and other livestock farms, fruit and vegetable growers, orchards and nurseries, maple syrup and honey producers, and other types of farming operations. All of these types of facilities are likely to have a variety of machinery and equipment that may generate used oil during routine servicing or maintenance.

This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.¹

Why Is It Important to Properly Dispose of Used Oil?

Just one quart of used oil can make millions of gallons of drinking water unfit to drink. Since *millions* of gallons of used oil are generated in Connecticut each year, it is easy to see just how much of a threat to our drinking water supplies improperly disposed of used oil can be. Used oil that is improperly disposed of can also kill trees and other plants, harm fish and wildlife, and pollute rivers, streams, and wetlands.

What Types of Used Oil May Be Generated on Farms?

Examples of types of used oil that may be generated on farms include:

- used crankcase (engine) oil;
- used liquid and semi-solid gear, chain, and ball bearing lubricants;
- used hydraulic fluid (including brake, automatic transmission, and power steering fluid).

Used oil can also include oils that have become contaminated with air conditioning refrigerants such as Freon. However, certain special requirements apply to this kind of used oil (in particular, it must be recycled for its Freon content).

¹ The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

Materials that contain or are contaminated with used oil can also fall under the definition of used oil. Common examples of these materials include used oil engine filters, rags and wipers, and absorbents (such as kitty litter, speedi-dri, and absorbent pigs). However, if the used oil is removed from these materials so that no visible free-flowing oil remains in them, they do not have to be managed as used oil any longer (unless they are burned for energy recovery, in which case they remain subject to used oil requirements). If properly de-oiled, tested, and found to be non-hazardous, these materials can be disposed of at a solid waste facility that is permitted to accept them.

The following types of materials are **NOT** regulated as used oils, and must be evaluated as potentially hazardous wastes:

- antifreeze;
- waste gasoline, diesel, and other fuels; and
- virgin fuel oils (however, virgin lubricating oils and other non-fuel virgin oils that are discarded are regulated as used oil).

Are Small Farms Regulated Any Differently than Large Farms?

Used oil that is generated by small farmers is not subject to the same requirements as used oil generated from large farms. With respect to DEP's used oil rules, a "small farmer" is defined as one who generates less than 25 gallons of used oil per month (averaged over the whole year). To put it more simply, if the total amount of used oil you generate in a calendar year is less than 300 gallons, you are considered a small farmer under DEP's used oil rules.

Used oil generated by small farmers is classified the same as used oil generated by household "Do-It-Yourselfers" (such as from the routine maintenance of their personal cars, trucks, or other vehicles). As a result, small farmer's used oil is exempt from DEP's used oil rules, as long as it is properly disposed of. Proper disposal can include:

- (1) Taking the used oil to an authorized Do-It-Yourselfer used oil collection center; or
- (2) Having the used oil taken away by a hauler who is permitted by DEP to haul used oil.

Most towns in Connecticut will accept Do-It-Yourselfer used oil at their local transfer station or recycling facility. Many towns also collect used oil filters and antifreeze at these facilities. In addition, many towns offer separate collections for household hazardous waste. For information on the services available in your town, call your town hall for details.

More helpful information for small farmers may be found in DEP's Used Oil Fact Sheet # 9, which is entitled "Management of Household Do-It-Yourselfer Used Oil." Copies of this document may be obtained by visiting the DEP website at www.ct.gov/dep, or by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet.

What Requirements Apply to Used Oil Generated on Large Farms?

Used oil that is generated on large farms (i.e., those that generate over 300 gallons per calendar year) is fully subject to DEP's used oil regulations. Generators of such oils must test their used oil, document that it has not been mixed with hazardous waste, and properly store it while it is on-site. Commercial haulers of such used oil must be permitted to transport used oil in Connecticut.

Facilities that are in the business of storing or treating the used oil are also required to have permits from DEP. More information about how large farms should manage their used oil may be found in DEP's Used Oil Fact Sheet # 7 – "Used Oil Generated From Motor Vehicle Servicing Operations." Copies of this document may be obtained by visiting the DEP website at www.ct.gov/dep, or by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet.

May I Use My Used Oil for Road Oiling, Weed Control, or to Keep Dust Down?

No – under DEP rules, used oil cannot be used for any of these purposes. You should always be careful not to put any amount of oil on the ground, since this can contaminate soil, groundwater, and surface water both on your property and on neighboring properties. Once this kind of contamination occurs, it can be very difficult and expensive to clean up, and can reduce the value of your property. It can also lead to your becoming the subject of a DEP enforcement action, which could include a substantial monetary penalty.

May I Burn My Used Oil?

DEP's used oil rules allow farmers to burn used oil in an oil-fired space heater, as long as the following requirements are met:

- (1) The farmer burns only used oil that the farmer generates, or that is received from household do-it-yourselfer used oil generators;
- (2) The space heater is designed to have a maximum capacity of not more than 0.5 million BTU per hour; and
- (3) The combustion gases from the space heater are vented to the outside air.

Please note that used oil is the only type of waste that may be burned in these types of space heaters. Space heaters may not be used to burn hazardous waste, or used oil that has been mixed with hazardous waste so as to make it hazardous. Also, please note that used oil may only be burned in non-residential space heaters (i.e., those used to heat workshops, garages, or other out buildings associated with the farm). Used oil may not be burned for home heating purposes.

May Used Oil Be Mixed with Diesel Fuel, as Recommended by the Manufacturers of Some Diesel Engines?

The manufacturers of certain diesel engines recommend that you add used oil to your diesel fuel. If you have a diesel engine of this type, you may mix your used oil with virgin diesel fuel according to the manufacturer's instructions. However, up until the point that the used oil is actually mixed with the diesel fuel, it must be handled exactly the same as any other used oil.

Please note that this exemption applies only to your used oil and only if it is used in your own diesel engines. You may not accept used oil from someone else to put into your diesel fuel. You may also not offer your used oil to others to add to their diesel fuel.

Are There Any Other Requirements I Should Know About?

In addition to the disposal requirements outlined above, there are a number of other laws and regulations that can apply to used oil. Most importantly, spills of used oil (or any other petroleum liquids, chemicals, or hazardous waste) must be immediately reported via DEP's 24-hour spill reporting number: (860) 424-3338.

Farms that store their used oil in underground tanks are likely to be subject to DEP's underground storage tank ("UST") regulations. For more information on these regulations, please see the UST page on DEP's website (www.ct.gov/dep), or call DEP's UST program at (860) 424-3374.

Many farms may be required to have a permit from DEP's Water Management Bureau. For more information on these permits, please see the water permitting page on DEP's website (www.ct.gov/dep), or call the Permitting & Enforcement Division of DEP's Water Management Bureau at (860) 424-3018.

How May I Get More Information on Used Oil?

DEP has a number of other helpful documents on used oil, which are available on the DEP website (www.ct.gov/dep), or by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet. For more information on Do-It-Yourselfer used oil, see DEP's Used Oil Supplemental Fact Sheet # 9 – "Management of Household Do-It-Yourselfer Used Oil." For more information on the proper management of commercially-generated used oil, see DEP's Used Oil Supplemental Fact Sheet # 7 – "Used Oil Generated from Motor Vehicle Servicing Operations." Even more information is available in a detailed guidance document from DEP entitled Management of Used Oil in Connecticut. Persons with questions may also call or write DEP directly for assistance.



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT
ENGINEERING & ENFORCEMENT DIVISION

79 ELM STREET, HARTFORD CT 06106-5127
TEL. (860) 424-3023 TOLL-FREE: 1-888-424-4193

www.ct.gov/dep

Used Oil Fact Sheet # 12

LIST OF EPA USED OIL INFORMATION RESOURCES

Purpose

This fact sheet has been prepared as a supplement to DEP's guidance document entitled Management of Used Oils in Connecticut. In particular, this fact sheet lists and describes a number of documents that have been issued by the United States Environmental Protection Agency ("EPA") on the subject of used oil. These documents include a number of federal register notices regarding used oil, and numerous EPA policy letters and memoranda on used oil. These documents are summarized in tabular form in sections 1 and 2 of this fact sheet.

For each document listed in this fact sheet, appropriate identifying information is provided, as well as a brief synopsis of each document. Please note that the synopsis provided in each listing is only intended to alert the reader to documents that might be of interest to them, and is not itself intended as a statement or interpretation of policy. Also, please note that each synopsis includes only a brief overview of the listed document's content. Many other issues or policies may be discussed in the document which are not identified in the synopsis. The reader should also be aware that many of the documents listed below were superseded or otherwise affected by subsequent documents, statutes, or rulemakings. And lastly, please note that this fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations.¹ It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

1.) Federal Register Notices.

Each time that EPA proposes, issues, or revises a regulation, it provides notice in the Federal Register. In addition to providing a copy of the proposed regulatory language, this notice also typically contains a detailed preamble discussion, which describes EPA's intent in issuing the

¹The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies (ARCSA) Sections 22a-449(c)-106(a)(1) and -106(b). These RCSA Sections incorporate the 1989 federal used oil regulations at 40 CFR 266 Subpart E, and include a number of additional, Connecticut-only provisions. However, efforts are underway to update the current regulations to incorporate newer federal regulations codified at 40 CFR Part 279. Once this update is complete, the Part 279 requirements will be incorporated in a new RCSA Section 22a-449(c)-119, which will also include certain additions and modifications.

regulation, presents the relevant regulatory and/or policy fine points, and describes and responds to any public comment that may have been received regarding the proposed changes. This preamble discussion can be a very helpful resource for persons who may be uncertain about how to interpret a particular regulatory provision. In addition, the preamble discussion often provides guidance or interpretations on matters that may not be addressed in detail in the regulation itself. Listed in the following table, in chronological order, is each one of the significant Federal Register notices relating to the subject of used oil. Copies of these notices may be obtained at any good legal library (including the Connecticut State Library in Hartford – tel. (860) 566-4777). Copies of recent notices can also often be obtained by calling EPA's toll-free RCRA hotline at 1-800-424-9346. In addition, many of these federal registers are available on-line at either of the following web sites:

- (1) U.S. EPA's Web Site: www.epa.gov/fedrgstr
- (2) U.S. Govt. Printing Office Web Site: www.access.gpo.gov/su_docs/aces/aces140.html

VOLUME/ISSUE/ PAGE REFERENCE	DATE	SUBJECT	SYNOPSIS
Volume 48 Number 52 Pages 11157-11160	3/16/83	Enforcement Guidance	Sets forth EPA's policy on sham recycling as it applies to materials that are used as fuels. First establishes 5000 BTU/pound as a formal indicator of a legitimate fuel.
Volume 50 Number 230 Pages 49164-49211	11/29/85	Used Oil -- Final Rule	Makes final the first set of EPA used oil regulations (i.e. 40 CFR 266 Subpart E). Includes an extensive preamble that discusses the new rule, clarifies a number of provisions in the rule, and describes EPA's intent in promulgating the rule.
Volume 50 Number 230 Pages 49211-49258	11/29/85	Used Oil -- Proposed Rule	Issued at the same time as the above final rule, this proposed rule included a number of provisions that EPA was considering but not yet ready to make final (such as requirements for generators, transporters, and recyclers of used oil). Although it was later greatly modified, this proposal constituted EPA's first attempt at what later became the Part 279 used oil standards.
Volume 50 Number 230 Pages 49258-49270	11/29/85	Used Oil -- Proposed Rule	Issued at the same time as the above two rules, this proposed rule would have resulted in the listing of used oil as a hazardous waste. However, this proposal was not finalized, and used oil has never been listed as a hazardous waste.

VOLUME/ISSUE/ PAGE REFERENCE	DATE	SUBJECT	SYNOPSIS
Volume 51 Number 46 Pages 8206-8208	3/10/86	Notice of Data Availability and Request for Comments	The notice was a follow-up to the 11/29/85 proposed rule to list used oil as a hazardous waste. EPA was requesting comments on the concept of listing only used oil that was disposed of (not that which is recycled). The "stigma" concept is first brought up in this notice.
Volume 51 Number 223 Pages 41900-41904	11/19/86	Decision Not to Adopt Proposed Rule	EPA issued notice formally documenting that it had decided against its 11/29/85 proposed rule to list used oil that is being recycled as hazardous waste.
Volume 52 Number 70 Pages 11819-11822	4/13/87	Technical Corrections to Hazardous Waste Fuel and Used Oil Rules	Clarified certain issues having to do with notification requirements for used oil burners who burn their own on-spec oil, and the definition of marketing; also corrected some typographical errors.
Volume 56 Number 35 Pages 7134-7207	2/21/91	Final Rule--Burning of Hazardous Waste in Boilers and Industrial Furnaces ("BIFs")	With respect to used oil, it discusses the status of the 1983 Sham Recycling Policy.
Volume 56 Number 137 Pages 32656-32660	7/17/91	Corrections and Technical Amendments for final BIF Rule	With respect to used oil, the references in 40 CFR 266 Subpart E to the hazardous waste fuel requirements are changed from 40 CFR 266 Subpart <u>D</u> to 40 CFR 266 Subpart <u>H</u> , to reflect the BIF Rule's new location in the regs.
Volume 56 Number 166 Pages 42504-42517	8/27/91	Technical Amendments to final BIF Rule	With respect to used oil, corrects one minor typo from a previous notice; also discusses the status of the 1983 Sham Recycling Policy and the 5000 BTU/pound fuel value; also provides analytical methods for total chlorine and BTU value.
Volume 56 Number 184 Pages 48000-48074	9/23/91	Supplemental Notice of Proposed Rulemaking	Presents a great deal of data assembled by EPA from its sampling of a wide variety of used oil types. Also discusses several concepts which would later make their way into the Part 279 rules, such as Do-It-Yourselfer used oil, the used oil mixture rule, the presumption of recycling, road oiling with used oil, the use of used oil in asphalt products, and other issues. Also proposed to list 4 used oil processing wastes as hazardous wastes.

VOLUME/ISSUE/ PAGE REFERENCE	DATE	SUBJECT	SYNOPSIS
Volume 57 Number 98 Pages 21524-21534	5/20/92	Used Oil -- Final Rule	Formalized EPA's decision not to list used oil being disposed of as a hazardous waste.
Volume 57 Number 176 Pages 41566-41626	9/10/92	Used Oil -- Final Rule	Promulgated the Part 279 used oil standards. In association with this, there is a great deal of discussion, especially regarding the new provisions embodied in the rule (e.g., the new definition of used oil, the new requirements for generators, transporters, processors and re-refiners, etc.). Also included a final listing determination for used oils being recycled.
Volume 58 Number 83 Pages 26420-26426	5/3/93	Technical Amendments and Corrections to 9/10/92 Final Used Oil Rule	Clarifications made regarding activities that do and do not constitute processing, the burning of used oil in devices such as diesel and marine engines, the dual TSCA authority for used oils containing PCBs, and secondary containment for containers. Numerous changes were made to the rules to reflect these clarifications.
Volume 58 Number 115 Pages 33341-33342	6/17/93	Correction to 9/10/92 Final Used Oil Rule	Changes made to the notification requirements for a variety of used oil handlers, along with an explanation as to why the changes were necessary.
Volume 59 Number 43 Pages 10550-10560	3/4/94	Modifications/changes to 9/10/92 Used Oil Final Rule	Changes made regarding certain petroleum refining exemptions, the definition of transfer facility with respect to used oil from electrical transformers, and certain activities that may be conducted by generators without invoking processor requirements.
Volume 60 Number 209 Pages 55202-55206	10/30/95	Administrative Stay	The provisions of 40 CFR 279.10(b)(2) regarding mixtures of used oil and hazardous waste were challenged in court. The Court remanded the rule back to EPA for reconsideration. Pending EPA's ruling on the matter, EPA decided to suspend the rule.

VOLUME/ISSUE/ PAGE REFERENCE	DATE	SUBJECT	SYNOPSIS
Volume 61 Number 126 Pages 33691-33693	6/28/96	Notice of Judicial Vacatur of Administrative Stay	A 1/19/96 ruling in Federal Court vacated the administrative stay described above on the basis that EPA had not provided proper notice and opportunity for comment. The used oil mixture was therefore reinstated at the federal level by this action.
Volume 63 Number 87 Pages 24963-24969 and 25006-25010	5/6/98	Simultaneous Proposed Rule and Direct Final Rule (Clarification)	This rule clarifies (1) the regulatory status of used oils contaminated with PCBs; (2) the applicability of Part 279 response to release requirements in states that are not authorized for the base RCRA program; (3) the regulation of mixtures of used oil CESQG waste; and (4) the recordkeeping requirements for marketers of on-spec oil.
Volume 63 Number 134 Pages 37780-37782	7/14/98	Removal of Direct Final Rule Amendments.	Removes three of the amendments included in the 5/6/98 direct final rule, pursuant to negative comments received.

2.) Policy Letters and Memoranda.

A great deal of information on the subject of used oil may also be found in EPA's many policy letters and memoranda. The following table provides a chronological listing of each such document that DEP is aware of. Most of these documents came from EPA's RCRA Permit Policy Compendium, a broad-based compilation of agency policy under the hazardous waste program. Some documents came from other sources. Each entry in the following table includes the Compendium (or other) reference number (if available), as well as the date, subject matter, and a brief synopsis of each document. Copies of these documents may be obtained by calling EPA's toll-free RCRA hotline at 1-800-424-9346.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9443.1984(04)	July 1984	EPTOX and oily wastes.	Provides guidance on several issues associated with performing the EPTOX on oily wastes.
9441.1984(30)	10/22/84	Sham recycling.	Clarification of EPA's 1983 Sham Recycling Policy for fuels. Confirms that the policy applied to used oil as well as hazardous waste fuels.
9502.1984(01)	12/7/84	Sludges from oily wastewater treatment ponds at refineries.	Though similar in composition, are not necessarily classified as API separator sludge (K051).

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9493.1985(01)	7/12/85	Used oils used as dust suppressants.	Ban applies only to materials that are themselves hazardous wastes. See also 5/31/86 document on this issue (#9493.00-1A).
9443.1985(08)	Sept. 1985	EPTOX and oily wastes.	Provides guidance on several issues associated with performing the EPTOX on oily wastes.
9494.1985(01)	10/1/85	Mixtures of lube oil and jet fuel.	JP-5/lube oil mixture that is used as a solvent is not an off-spec commercial chemical product, but rather a spent material. Also, since it is 80% JP-5 and only 20% oil, it's not a used oil either.
9494.1985(03)	10/11/85	Waste-derived fuels burned in cement kilns.	Interpretation of EPA's 1983 sham recycling fuel policy as it applies to these particular fuels.
9453.1985(04)	Nov. 1985	Marketers.	The absence or presence of a monetary transaction has no bearing on a facility's status as a HW fuel marketer.
9493.1985(04)	Nov. 1985	Virgin diesel sprayed on the ground for fire training exercise.	Not considered to be disposal. However, if the fuel were a spent material or other secondary material, it would constitute disposal.
9442.1985(01)	Dec. 1985	Burning and blending.	A generator that mixes unused product xylene with used oil for burning on-site has not created a hazardous waste fuel.
9493.1985(36)	Dec. 1985	Used oil used as dust suppressants.	EP-Toxic used oil which has not been mixed with HW can be used as a dust suppressant.
9432.1985(10)	12/30/85	Definition of "boiler."	Rotary bed furnace with secondary combustion chamber does not meet the definition of a boiler in 40 CFR 260.10.
9495.1985(03)	12/12/85	Off-spec used oil.	Clarifies that off-spec used oil may be burned in industrial boilers (only the burning of off-spec oil in non-industrial boilers is prohibited).
9454.1986(01)	Jan. 1986	Brokers.	HW fuel brokers can qualify as marketers even if they never take possession of the HW fuel.
9432.1986(02)	1/3/86	Definition of "boiler."	Solid waste combustion unit with a heat recovery boiler does not meet the definition of "boiler."
9432.1986(03)	1/9/86	Greenhouse boilers.	Greenhouse boilers are "industrial" boilers.
9454.1986(02)	Feb. 1986	On-spec used oil fuel.	A marketer who first claims a used oil meets the spec is subject to the recordkeeping requirements of 40 CFR 266 Subpart E, but not any subsequent marketers, unless they mix it with off-spec used oil or HW.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9432.1986(05)	2/5/86	RCRA regulation of wastes on board ships.	Discusses the generator status of wastes generated on board ships, and classifies the various oily wastes that may be generated on-board.
9441.1986(11) 9495.1986(02)	2/11/86	Petroleum refinery fuel products.	Exemption for hazardous waste-derived fuel products extends to used oil.
9495.1986(03)	2/12/86	Burning of used oil in space heaters.	A company can accept used oil from Do-It-Yourselfers for burning in its space heater without testing to meet the fuel spec, but not used oil from other generator companies.
9495.1986(04)	2/28/86	Total halogens/ rebuttable presumption requirements.	These only apply to used oils that are burned for energy recovery, not to those that are disposed of or recycled in some manner other than burning for energy recovery. Also, levels of listed HW constituents less than 100 ppm may still result in a used oil being classified as a listed hazardous waste in certain circumstances.
9495.1986(15)	3/5/86	Off-spec used oil burned in greenhouses.	Greenhouse boilers are “industrial” boilers. Therefore off-spec oil may be burned in them, provided all appropriate off-spec oil rules are complied with.
9441.1986(19)	3/8/86	Off-spec jet fuel burned as kerosene.	This material is not a solid or hazardous waste, per 40 CFR 261.2(c)(2)(ii).
9451.1986(02)	3/17/86	Oily wastes generated from ships in port.	Elaborates on the policy set forth in the 2/5/86 EPA document listed above (9432.1986(05)).
9441.1986(22)	3/19/86	Fuel/water mixtures.	Gasoline/water and fuel oil/water mixtures being legitimately recycled as fuels are not solid or hazardous wastes since they are commercial chemical products being reclaimed.
9494.1986(02)	3/19/86	Waste-as-fuel rules and DoD facilities.	Clarifies the roles of military bases, DRMSs, and off-site receiving facilities as waste fuel generators, marketers, and burners.
9495.1986(08)	4/8/86	Treatment of high-halogen used oil to reduce halogen content.	Generators may conduct such treatment, but, if destined for fuel blending, the treated oil would still be regulated as a hazardous waste pursuant to the “derived from” rule.
9494.1986(05)	4/11/86	Marketers.	A marketer which takes title to a HW fuel (but does not store it) is subject to HW notification and manifesting requirements, but not RCRA storage requirements.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9495.1986(09)	4/21/86	Burning of used oil in marine engines/boilers.	Burning in marine engines is not covered under HW fuel and used oil rules, but burning in shipboard steam boilers is regulated.
9441.1986(37)	5/1/86	Crude oil tank bottoms.	These materials are not a solid or hazardous waste when reclaimed (characteristic by-products being reclaimed).
9493.00-1A	5/31/86	Used oil used as a dust suppressant.	Only hazardous used oils or used oil that had been mixed with hazardous waste are banned for used as dust suppressants. Others are OK.
9495.1986(13)	6/27/86	(1) Incineration of used oil; (2) open burning of used oil.	(1) The burning of used oil in incinerators is not subject to used oil standards; if the used oils are char. hazardous or listed, the incinerator would be subject to Subpart O as a HW incinerator. (2) open burning of used oil is also not subject to used oil standards; this activity constitutes disposal, and if the used oil is characteristically hazardous or listed, it would be regulated under Subpart P as a type of thermal treatment.
9494.1986(05a)	6/30/86	Off-spec used oil fuels.	Clarifies that off-spec used oil may be burned in industrial boilers (only the burning of off-spec oil in non-industrial boilers is prohibited).
9441.1986(40)	7/31/86	1985 Federal Used Oil Rules.	Discussion of concerns raised by used oil facilities about the new used oil rules impacts on the use of off-spec oil, and the acceptance of DIY oil at service stations.
9495.1986(20)	8/22/86	Status of new hydraulic devices that contain oil.	Are not regulated under Part 266 requirements (although any oil drained from them would be).
9495.1986(21)	9/15/86	Space heaters.	A generator may burn used oil that is generated at others of its own sites in an on-site space heater.
9495.1986(22)	9/15/86	Mixtures, burning.	(1) Mixing any amount of listed HW with used oil makes that used oil a listed HW; (2) if burned, such mixtures would be subject to HW fuel requirements; (3) on-site burners of on-spec used oil are required to notify and test for the spec.
9494.1986(06)	10/11/86	BTU value of fuels.	Wastes as generated should have BTU values at or above 5000 BTU/lb or they are considered to be incinerated when burned in a boiler or industrial furnace; this also extends to any mixtures that the low-BTU waste ends up in. However, this principle does not apply to each individual chemical constituent of the waste, just each waste as generated.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9483.1986(06)	10/31/86	Used oil storage tanks.	Discusses regulation of used oil tanks under the 40 CFR 266 Subpart E rules.
9441.1986(87)	Nov. 1986	Off-spec HW fuel.	Off-spec product benzene is not exempt from hazardous waste requirements when used as a start-up fuel in an incinerator.
9495.1986(28)	11/12/86	100-ppm lead limit in the used oil fuel spec.	Discusses the development and appropriateness of the 100 ppm number.
9495.1986(30)	11/24/86	November 1985 proposed permit-by-rule of off-spec used oil burners.	Discussion of the possible impacts on burners of off-spec used oil if this proposal were to go final (which it never did).
9441.1986(95)	12/23/86	Low flash-point petroleum products.	Off-spec or contaminated commercial chemical products that are themselves fuels are not solid or hazardous wastes when burned for energy recovery. This remains true if they are mixed with used oil; however, <u>not</u> if they are burned in an incinerator.
9433.1987(01)	1/7/87	Definition of "boiler."	A two-stage combustion system with an attached waste heat recovery boiler does not meet the definition of "boiler."
9495.1987(01)	1/20/87	Used oil notification requirements.	Burners who are the first to claim a used oil meets the spec must notify. Form 8700-12 is not necessarily the only form that may be used by oil handlers to meet notification requirements.
9441.1987(14) 9495.1987(04)	3/6/87	Automotive fluids.	Definition of "used oil" includes brake fluid, power steering fluid, and automatic transmission fluid, but not antifreeze or windshield washer fluid.
9495.1987(05)	3/26/87	Used oil notification requirements.	Follow-up to 1/20/87 EPA letter (9495.1987(01)). Clarifies that EPA does not intend to require generators who burn their own on-spec oil on-site to notify.
9495.1987(06)	4/17/87	EPA's 11/18/86 FR Notice on used oil.	Clarifies that this FR Notice only rejected the idea of listing used oil as hazardous waste (not that used oils should go unregulated).
9838.1	7/31/87	OSWER Directive re the scope of the CERCLA petroleum exclusions.	Contaminants in used oil may not lie within the CERCLA petroleum exclusions, thus subjecting such used oils to CERCLA response authority and to CERCLA liability.
9443.1987(14)	8/11/87	EPTOX and oily wastes.	Provides guidance on several issues associated with performing the EPTOX on oily wastes.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9441.1987(64)	8/13/87	Do-it-yourselfer used oil.	DIY oil is not regulated under the Part 266 used oil rules.
9442.1987(04)	8/31/87	BTU value.	Elaborates on EPA's 1983 sham recycling policy, and its relevancy to hazardous waste fuels once the BIF rules are final.
9444.1987(48)	10/23/87	Dioxin-contaminated oils.	Used oil contaminated with TCDD through its use as a laboratory standard is not a F027 waste.
9431.1988(01)	Jan. 1988	Definition of used oil.	Petroleum distillates used only as cleaning agents or for their solvent properties are not "used oil."
9592.1988(01)	Feb. 1988	Used oil marketers.	Used oil sent to a sister corporation is not exempt from marketer requirements; marketing does not require that there be an exchange of funds.
9495.1988(02)	9/22/88	Space heaters.	EPA declined to comment on technical specifications for a particular type of used oil fired space heater.
9433.1988(02)	Nov. 1988	Listing of used oil as HW.	Summary of 10/7/88 Federal Court decision invalidating EPA's decision not to list used oil since it would place a "stigma" on used oil.
9495.1989(01)	5/15/89	Status of coal sprayed with used oil.	Rebuttal of the presumption is not limited to the generator of the used oil.
9441.1989(23)	5/31/89	Absorbent rags.	Rags from cleanup of Exxon Valdez spill are not listed hazardous waste, but would have to be tested for HW characteristics.
9495.1989(02)	10/17/89	Burners.	Under the Part 266 used oil rules, off spec oil may be burned in industrial furnaces and boilers, and space heaters, whereas on-spec oil may be burned in any type of unit.
9441.1990(08) 9441.1990(09b)	Mar. 1990	Used oil used as a dust suppressant.	Used oil that exhibits a characteristic is a HW, and is banned for use as a dust suppressant.
9495.1990(01)	6/13/90	Applicability of used oil requirements.	Subpart E used oil requirements apply to all used oils that are burned for energy recovery, not just those that are characteristically hazardous.
9495.1990(02)	Aug. 1990	Used oil marketers.	Regulated used oil marketers can include facilities that send used oil off-site to other divisions of the same company.
9441.1990(22)	8/17/90	Used oil filters.	Are subject to TCLP when disposed of.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9441.1990(30) 9442.1990(05)	10/30/90	Used oil filters.	How to analyze filters by TCLP; crushing of filters to remove used oil is not HW treatment; filters are not containers; scrap metal exemption may apply after crushing.
9441.1990(27) 9441.1990(33)	11/30/90	Gear lubricant (grease).	Semi-solid gear lubricant meets the definition of used oil.
9451.1991(03)	4/16/91	Used oil filters.	Applicability of the TCLP to used oil filters.
9494.1991(03)	4/23/91	Burning of oil mixed with ammonia.	Off-spec used oils such as this one may be burned by the generator in an on-site space heater.
9494.1991(04)	4/23/91	Oil generated from private boat owners.	This type of oil is considered the same as used oil from Do-It-Yourselfers. It may therefore be burned in an on-site space heater.
9495.1991(01)	6/5/91	Use of used oil to treat coal, and in making ANFO explosives.	Use to treat coal to minimize dust is considered burning for energy recovery, provided there are no releases to the ground; use in ammonium nitrate/fuel oil explosives may be legitimate recycling, if certain criteria are met.
9442.1991(08)	6/13/91	TCLP extraction of oily wastes.	Provides guidance on several issues associated with performing the TCLP on oily wastes.
9493.1991(02)	6/20/91	Petroleum-contaminated soils used in asphalt production.	Discusses issues such as whether this practice amounts to use constituting disposal, whether or not it is legitimate recycling, the status of the product, and the status of stored materials.
9442.1991(11)	7/9/91	EPA's used oil sampling program.	Discusses EPA's program to compile used oil sampling data in 1989 and 1990.
9441.1991(15)	9/25/91	Used oil filters.	Exemption for filters from TCLP is not needed at this time.
9442.1991(14)	10/29/91	TCLP extraction of liquid and oily wastes.	Provides guidance on several issues associated with performing the TCLP on oily wastes.
N.A.	4/1/92	Lead in used oil.	Discusses the level of protectiveness provided by the 100 ppm lead limit in the fuel specification.
N.A.	Undated (4/1/92?)	Lead in used oil.	Discusses the level of protectiveness provided by the 100 ppm lead limit in the fuel specification.
N.A.	4/29/92	Secondary containment.	Elaborates on the meaning of "secondary containment" as used in the SPCC rules.
9592.1992(01)	7/8/92	Used oil transportation.	Used oil rules do not preempt or alter the Hazardous Materials Transportation Act.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9441.1992(35)	10/23/92	Locomotive oil filters.	If properly drained, such filters could be subject to the oil filter exemption in 40 CFR 261.4(b).
9441.1992(36)	10/28/92	Solvents and used oil.	Letter to Safety-Kleen answering a number of questions about the testing and handling of these materials, as well as mixtures thereof. Also states that tanks in which used oil and hazardous waste are mixed are regulated under both used oil and hazardous waste requirements.
N.A.	10/30/92	Rebuttable presumption.	Organic halogens concentration cannot be used to rebut the presumption of mixing.
9441.1992(38)	11/5/92	Mixtures of mineral spirits and used oil.	Tanks in which used oil and mineral spirits are mixed are regulated under both used oil and hazardous waste requirements.
9592.1992(02)	Dec. 1992	Rebuttable presumption.	Discusses the meaning of the term "significant concentrations" as used in 40 CFR 279.19(b)(1)(ii). Reiterates EPA's former policy as stated in the 11/29/85 Federal Register Notice (i.e. the 100 ppm method).
9592.1993(01)	1/28/93	Synthetic oils.	Clarifies that it was EPA's intent to regulate all synthetic oils that function similarly to petroleum based oils under the Part 279 used oil rules.
9443.1993(02)	Feb. 1993	Mixtures of used oil and characteristic HW.	Explains two different applications of the used oil mixture rule.
9592.1993(02)	4/5/93	Used oil w/ HCFCs.	Explains that EPA intends to regulate used oils contaminated w/ the newer HCFCs the same as used oils contaminated w/ the older CFCs.
N.A.	4/9/93	Synthetic oil.	Letter from a consultant concerning whether Isopar H used in sub-oceanic cables is regulated as a used oil (not responded to by EPA).
9592.1993(03)	4/29/93	Status of combustion residuals.	Combustion residuals from the co-burning of on-spec used oil with virgin fuel oil in utility boilers remain exempt under 40 CFR 261.4(b)(4).
9441.1993(10)	6/2/93	Disulfide oil burned in a halogen acid furnace.	This material is not a solid waste, since it is a co-product, rather than a by-product being burned for energy recovery.
9592.1993(04)	7/28/93	Used oil transportation and DoD sites.	The exemption in 40 CFR 260.10 for on-site transportation activities would apply for a DoD facility that sends used oil to an on-site tenant DRMO.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9592.1993(05)	9/24/93	Mixtures of used oil and characteristic HW.	The used oil mixture rule of 40 CFR 279.10(b)(2) is not limited to generators. Also, except for how it treats mixtures of used oil and ignitable-only hazardous wastes, the used oil mixture rule in the Part 279 requirements is the same as the one that was in the former Part 266 requirements.
9441.1993(19)	9/27/93	Rags and wipers.	Discusses status of rags and wipers under both used oil and hazardous waste requirements.
9592.1993(06)	10/7/93	Used oil processing and transportation.	Activities such as filtering oils while in use or the treatment of oily wastewaters prior to discharge are not covered under the definition of used oil processing. Scrap metal haulers are not regulated as used oil transporters provided the scrap metal has had the used oil removed such that no signs of free-flowing oil remain.
9592.1993(07)	10/13/93	Ignitable used oils.	The consolidation of different used oils does not constitute a mixture of used oils that would be subject to the used oil mixture rule.
9592.1993(08)	11/1/93	Used oil processing.	The definition of processing is not intended to include common activities such as oil/water separation to treat a wastewater prior to discharge, or the on-site recycling of metal working oils, provided that any recovered oil is not being burned for energy recovery.
9592.1993(09)	11/17/93	Cutting oils and steel turnings.	Cutting oils are regulated as used oil. Steel turnings would also be regulated as used oil as long as any used oil had been removed to the extent that no visible signs of free-flowing oil remained. Scrap metal exemption may also apply if the turnings are hazardous.
N.A.	12/1/93	Grease.	Spent grease is considered used oil; greases which contain F-listed solvents for anti-freezing purposes are not listed hazardous wastes.
9592.1994(01)	1/10/94	Used oil used to make ANFO blasting agents.	On-spec used oil could be used to make ammonium nitrate/fuel oil blasting agents, but not off-spec used oil.
9444.1994(01)	1/12/94	Aircraft hydraulic fluid filters.	Are not covered by the exemption in 40 CFR 261.4(b) for non-terne plated used oil filters. They are therefore subject to TCLP.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9494.1994(02)	2/08/94	Applicability of HW characteristics and fuel specs to used oils.	Used oil that is recycled and is hazardous only because it exhibits a characteristic is subject to regulation under used oil requirements. HW characteristic determination therefore does not apply to such oils. Unless a used oil is burned in an on-site space heater or in an eligible off-spec used oil burner, it must be tested for fuel spec.
9592.1994(02)	3/22/94	Oily wastewaters.	Oily wastewaters (and any oils derived therefrom) can meet the definition of used oil. Such separation is not considered processing when done to prepare the wastewater for discharge, provided that the recovered oil is not being sent to an off-site used oil burner.
9495.1994(01)	May 1994	Treatment of used oil by a generator.	Generators may filter used oil prior to burning it on-site without being classified as a processor (per 40 CFR 279.20(b)(2)(ii)(A)), but not prior to off-site burning.
9592.1994(03)	4/8/94	Do-It-Yourselfer oil.	Household DIY oil is not subject to used oil standards until after it is collected (such as at a DIY collection center). Collectors of DIY oil whose oil exceeds 1000 ppm total halogens may rebut the presumption of mixing on the basis that household hazardous waste is exempt from regulation (provided only DIY oil is collected).
N.A.	5/12/94	Service Station Dealers (SSDs) & the limited CERCLA exemption.	Exemption only applies to generator and transporter activities (not owner/operator activities); eligible SSDs can include municipal used oil collection facilities.
9498.1994(02)	5/20/94	BTU value.	TSDf may blend HW w/ a fuel value below 5000 BTU/lb (provided any burners have certified compliance w/ BIF standards), but the resulting combustion residues would be subject to regulation; also, a low-BTU waste may be treated, as generated, to increase BTU value.
N.A.	5/26/94	Handling of used oil and solvents.	Letter to Safety-Kleen responding to 10 questions on the testing and handling of used oil, low-flash solvents, and mixtures of the two.
9494.1994(03)	6/7/94	EPA's 1983 sham recycling policy.	The 1991 BIF rule superseded the 1983 policy, but only for HW fuel burners that certify compliance with the emissions standards or have final permits. Otherwise, the 5000 BTU/lb limit still applies to each HW as generated.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9592.1994(04)	6/9/94	Used oil mixed with crude oil.	Used oil may be transported to locations where used oil can be mixed with crude oil (though Part 279 requirements apply up until mixing occurs).
9592.1994(05)	6/10/94	Mobile oil change service.	A mobile vehicle fleet servicing company which transports used oil from customer sites in volumes of 55 gallons or less is regulated as a generator and collection center only (not subject to transporter requirements).
9561.1994(02)	July 1994	Waste minimization.	Burning for energy recovery does not qualify as waste minimization.
9592.1994(06)	7/11/94	Used oil contained in discarded appliances.	Used oil in discarded appliances which are shredded for metals reclamation are considered to be disposed of and are therefore subject to a hazardous waste determination. If drained prior to shredding, however, these oils would be subject to used oil requirements. If CFCs are present, the exemption from the rebuttable presumption would apply (provided the CFCs are reclaimed). Removal of CFCs from the used oil is not considered hazardous waste treatment or used oil processing.
9592.1994(07)	7/22/94	Surface impoundments that are used to manage oily wastewaters.	The exemption in 40 CFR 279.10(f) only covers <u>de minimis</u> leaks and spills, and not used oils that are intentionally introduced into the wastewater treatment system. Surface impoundments may be used to store used oil only if they are under a Part B permit or interim status.
9592.1994(11)	Sept. 1994	Used oil tank bottoms.	When burned for energy recovery, used oil tank bottoms meet the definition of used oil (subject, of course, to total halogens testing, the rebuttable presumption, and the used oil mixture rule, as applicable).
9592.1994(08)	9/12/94	Rebuttable presumption.	The presumption of mixing may be rebutted by demonstrating that the halogens in a used oil originate from unintentional mixing with residuals from "RCRA empty" drums.
9592.1994(09)	9/28/94	Sorbents.	Generators may engage in activities to separate used oil from sorbents without being subject to used oil processor standards, as long as the oil is not sent off-site directly to a used oil burner.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9592.1994(10)	9/28/94	Rebuttable presumption.	Collectors of DIY oil may rebut the presumption of mixing on the basis that household hazardous waste is exempt from regulation (provided they can document that only DIY oil is collected).
9498.1994(11)	11/4/94	BTU value.	Reiterates the main points in EPA's 5/20/94 letter (9498.1994(02)).
9592.1994(12)	11/10/94	CERCLA exemption for service station dealers (SSDs).	Several clarifications of the SSD exemption, including: quick oil change providers are considered SSDs; the SSD exemption applies both to on-site generated used oils and to DIY oil collected at SSDs; mixing other hazardous substances with the used oil invalidates the SSD exemption; the SSD exemption is not retroactive; the SSD exemption requires, as a condition, compliance with Part 279; the SSD exemption applies on a case-by-case basis to individual establishments.
9551.1993(04)	11/17/94	Disposal of sorbents.	Discussion of the regulation of sorbents under used oil, solid waste landfill, and other requirements.
9498.1994(12)	11/8/94	BTU value.	5000 BTU/lb value is still a "reasonable yardstick" to distinguish between waste fuels being burned for energy recovery vs. those being burned for destruction (several examples given).
9441.1995(17)	5/3/95	Petroleum refinery exemptions.	Responds to a number of questions from the American Petroleum Institute regarding the petroleum refinery exemptions in 40 CFR 261.4(a)(12).
9592.1995(01)	8/10/95	Water-soluble coolants.	Dewatering of water-soluble coolants (such as by filtering or evaporation) is exempt from used oil processor requirements under the provisions of 40 CFR 279.20(b)(2)(ii)(D), as long as the recovered oil is not sent directly to an off-site burner.
9592.1995	8/25/95	Space heaters.	A county highway maintenance garage may accept used oil from other county maintenance facilities and from county-run DIY collection centers for burning in its on-site space heater, but not used oil from local businesses.
9592.1996(01)	2/8/96	Rebuttable presumption.	Identifies the correct rebuttable presumption provision that applies a specific facility, but points out that the facility is in a state which has not adopted the Part 279 rules, and that as a result the requirement does not apply to them.

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9592.1996(02)	2/15/96	Used oil used as a dust suppressant.	Discusses the basis for, and the provisions of, the Part 279 used oil dust suppressant ban.
9592.1996(03)	2/26/96	Used oil used as a dust suppressant.	Discusses the basis for, and the provisions of, the Part 279 used oil dust suppressant ban.
9592.1996(04)	8/14/96	Status of low-BTU oil-contaminated materials that are burned.	Sets forth the 5000 BTU/lb limit as a standard by which to determine when de-oiled materials are being burned for energy recovery.
9592.1996(05)	Nov. 1996	Filtering of coolants.	A used oil generator that uses an on-site filtration system solely to filter contaminants from metal working oils in order to extend their useful life is not classified as a used oil processor.
9592.1996(06)	Nov. 1996	Presumption of recycling.	If a used oil is sent by a generator to a processor to be recycled, but the processor later disposes of it instead, the used oil becomes subject to disposal requirements (including HW determination) at the processor's site, not at the generator's.
9592.1996(07)	Nov. 1996	State Authorization and used oil that is re-refined.	In states where Part 279 is not yet in effect, used oils which are recycled in some manner other than being burned for energy recovery (including those being re-refined) are not subject to RCRA regulation.
9592.1996(08)	11/27/96	On-spec used oil.	On-spec oil that is to be burned for energy recovery is not subject to further regulation. However, on-spec oil that is re-refined or disposed of is subject to all applicable requirements of Part 279. The status of on-spec oil must be re-evaluated if it is mixed with other materials or is otherwise adulterated in some way. Other requirements such as SPCC and UST may also continue to apply to on-spec oils.
9592.1996(09)	Dec. 1996	Rebuttable presumption.	The exemption from the rebuttable presumption for CFC oils applies at the point that the oil is drained from the unit it was used in. The separation of CFCs from used oil is not necessarily classified as used oil processing.
9592.1997(01)	2/7/97	Animal and vegetable oils.	Since they are not synthetic or derived from crude oil, animal and vegetable oils do not fall under the definition of used oil.
9592.1997(02)	Apr. 1997	Definition of used oil.	Does not include materials such as petroleum-based solvents or antifreeze (even though they are derived from crude oil).

REFERENCE NUMBER	DATE	SUBJECT	SYNOPSIS
9494.1997(01)	5/23/97	BTU value.	“There has historically been a strong presumption that burning of secondary materials with a heating value of 5000 BTU or greater constitutes burning for energy recovery.”
9592.1997(03)	July 1997	Self-transportation of used oil by contractors.	Contractors can self-transport used oil from customer sites to a used oil collection center or aggregation point without being subject to used oil transporter requirements. The contractor and the customer are “co-generators” (i.e., both are liable for the proper management of the used oil).



Printed on recycled paper: at least 20% post-consumer content



The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.