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Regulatory Assistance Guidance Document, November 2008

Used Oil - Generator Requirements

Regulatory Assistance Officers Notes:

This guidance provides an overview of requirements for generators managing used oil in California. For a complete legal description of requirements specific to used oil, consult California Health and Safety Code (HSC), chapter 6.5, division 20, article 13 (commencing with 25250), and California Code of Regulations title 22, division 4.5 (22CCR), including chapter 29 (used oil) commencing with §66279.1.

Used Oil Management

Legal Definition of Used Oil:

Health and Safety Code section 25250.1 defines used oil as "any oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of use or as a consequence of extended storage, or spillage, has been contaminated with physical or chemical impurities".

Used oil includes, but is not limited to, the following:

Used motor oils:

- Vehicle crankcase oils
- Engine lubricating oils
- Transmission fluids
- Gearbox and differential oils
- Gear oils

Used industrial oils:

- Hydraulic oils
- Compressor oils
- Turbine oils
- Bearing oils
- Vegetable oils used for lubrication

Other oils:

- Transformer oils
- Refrigeration oils
- Metalworking oils
- Railroad oils

Waste Synthetic Oils that may be managed as used oil include:

- Oil derived from coal, oil shale, or polymers
- Water-soluble petroleum-based oils
- Vegetable or animal oil used as a lubricant
- Hydraulic fluid
- Heat transfer fluid

Used oil does NOT include:

- Antifreeze
- Brake fluid
- Other automotive wastes
- Fuels
- Solvents





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Substances which are not regulated as used oils include:

- Oils with a flashpoint below 100°F
- Oils mixed with hazardous waste
- Wastewater containing small amounts of used oil
- Oily wastes that are not used oil
- Oily wastewaters that are not used oil
- Tank bottoms
- Used oil processing bottoms
- Used oil re-refining distillation bottoms
- Cooking oils (edible)
- Grease
- Oils containing 5 parts per million (ppm) polychlorinated biphenyls (PCBs) or greater
- Oils containing more than 1,000 ppm total halogens *

* See rebuttable presumption guidance and Health and Safety Code section 25250.1, subdivision (a)(1)(B)(v) and California Code of Regulations, title 22, section 66279.10

Used Oil Management

Health and Safety Code section 25250.4 requires that used oil be managed as a hazardous waste in California unless it has been recycled and is shown to meet the specifications for recycled oil in Health and Safety Code section 25250.1(b), or qualifies for a recycling exclusion under Health and Safety Code section 25143.2.

Used Oil Generator Requirements

For Households

Householders who change their own oil must manage their used oil appropriately (e.g., by taking it to a used oil collection center, etc., and never disposing of it to land, water, storm drains, etc.) Householders are allowed to transport their own used oil to a used oil collection center or to a used oil recycling facility without needing an EPA Number or using a hazardous waste manifest. Some communities have a curbside used oil pickup program for residents. Check with your local solid waste or environmental health agency to see if a recycling program is offered in your area.

For Everybody Else

Under Health and Safety Code section 25250.11, businesses generating used oil as well as used oil collection centers are required to meet all hazardous waste generator requirements operating. These requirements are found in California Code of Regulations, title 22, sections 66279.20 and 66269.21 which refer the reader directly to 66262.10 (Hazardous Waste Generator Requirements).

DTSC has a guidance document Generator Requirements that give detailed explanation of the requirements. Below are some basic requirements applicable to most used oil generators.





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Specific requirements for used oil transporters are contained in the statutes and regulations cited at the beginning of this guidance as well as guidance developed specifically for transporters.

Destination Facility

In order to be managed under the less restrictive used oil regulations, California law requires that the used oil be transported to an authorized (e.g. permitted) recycling facility. The recycling facility may be located outside of California, as long as the facility is authorized under the statutes and regulations of the state in which the facility is located.

When the used oil is delivered to the destination facility, the destination facility signs off on the manifests and sends a copy to DTSC at:

**DTSC Facility Manifests
P.O. Box 3000
Sacramento, CA 95812**

Useful Contact Information

DTSC Regulatory Assistance Officers

If you cannot find the answer to your question in this fact sheet, contact the DTSC Regulatory Assistance Officers. You can call them at 800-728-6942, email them at RAO@dtsc.ca.gov, or contact them through the Department of Toxic Substances Control Web site.

DTSC Regulatory Assistance Officers provide informal guidance only regarding management of hazardous waste for the convenience of the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.





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Hazardous Waste Manifests

Consolidated Manifesting

Most business that generate used oil contract with a used oil collection service that uses a consolidate provide the generator (at the time of used oil pickup) with a legible copy of a receipt for each quantity of used oil received. The generator must maintain these receipts for 3 years. Each receipt must contain the following information:

- Generator's name, address, EPA Identification Number, contact person and telephone number. Generator's signature or signature of generator's representative,
- Date of shipment,
- Manifest number (pre-printed on the manifest),
- Volume, waste code(s) and shipping description of each type of used oil received,
- Name, address and identification number of the authorized facility to which the used oil is being transported,
- The transporter's name, address and identification number,
- The driver's signature,
- A statement, signed by the generator, certifying that the generator has established a waste minimization program to reduce the volume or quantity and toxicity of the hazardous waste to the degree, as determined by the generator, to be economically practicable.
- When using a consolidated manifest, the transporter is required to make a copy of the "generator copy" of the manifest and send it to DTSC. The transporter must also prepare and submit a quarterly report.

Full Hazardous Waste Manifests

Some used oil generators ship their used oil using a full hazardous waste manifest. When you give the used oil to the transporter for shipping, you must also complete a hazardous waste manifest. At the time of shipment, you and the transporter sign off on the manifest and keep one copy (the "generator copy"). As the generator, within 30 days of shipment, you must make a copy of the manifest with the generator and first transporter signatures and mail it to DTSC at:

DTSC Generator Manifests

P.O. Box 400

Sacramento, CA 95812-0400

The remaining manifests go with the transporter, who either delivers the waste to another transporter or a destination facility. Each transporter keeps a copy of the manifest. When the used oil is delivered to the destination facility, the destination facility signs off on the manifests and sends a copy to DTSC at:

DTSC Facility Manifests

P.O. Box 3000

Sacramento, CA 95812





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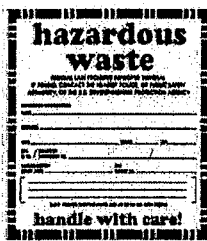
Above-ground storage tanks and fill pipes used to transfer used oil into underground storage tanks must be labeled with the words "USED OIL," "HAZARDOUS WASTE," and the initial date of accumulation. In addition, containers must be labeled with the name and address of the generator. (Cal. Code Regs., tit. 22 §66262.34(f))

Transporting Used Oil

Prior to transporting individual containers of used oil 2 regulations (Cal. Code Regs., tit. 22 §§66262.31 and 66262.32) require that the generator must label shipping containers for used oil as follows:

HAZARDOUS WASTE - State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Health Services.

- Generator's name and address
- Proper Department of Transportation (DOT) shipping name
- Uniform Hazardous Waste Manifest number and the shipping identification number (if an individual manifest is used).



An example is pictured to the right

Self Transport

Any generator of used oil is allowed to self transport, in a vehicle under the control of the generator, up to 55 gallons of used oil in containers of not greater than 55-gallon capacity to a used oil collection facility operating pursuant to HSC section 25250.11. No hazardous waste manifest is required nor do you need to be a registered hazardous waste transporter. The statute gives the upper limit of the amount of used oil that may be accepted by a used oil collection facility. Since handling 55 gallon drums requires special equipment, many used oil collection facilities will not accept more than 20 gallons. Therefore the generator must first call the collection facility and ensure the facility can accept more than 20 gallons of used oil.

Hire Someone Else

If you hire somebody else to transport your used oil, California law requires that the used oil be transported by a registered hazardous waste transporter using a hazardous waste manifest. In order to be managed under the less restrictive used oil regulations, the used oil must be transporter to an authorized recycling facility.





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EPA ID Numbers

Each non household generator of used oil needs to have an EPA Identification Number issued by DTSC or US EPA for each site where used oil is generated, accumulated or stored. See the Regulatory Assistance Guidance "EPA Identification Numbers."

Accumulation/Storage Requirements

Containers

The definition of container is given in California Code of Regulation, title 22, section 66260.10. Containers by definition are portable. A "portable" tank that can be moved while it contains waste is regulated as a container. The references to container management requirements are found in California Code of Regulations, title 22, section 66262.34 subsection (a)(1) which directs the reader to Article 9 Use and Management of Containers commencing with California Code of Regulation, title 22, section 66264.170.

In brief, Article 9 states that containers (including portable tanks) that are used for the accumulation of used oil must be kept in good condition and have adequate structural support to contain the used oil. There must be no severe rusting, no apparent structural defects or deterioration, and no leaking. All containers must have tight-fitting lids that are kept closed except when used oil is being added or removed. If a funnel is used in the bung hole of a container, it must either be removed when the container is not being added to (and the container closed), or be equipped with a valve or cover of some sort to prevent leakage if the drum should be turned over. Regular inspection and routine maintenance of all containers is required. Faulty containers must be repaired or replaced.

According to California Code of Regulation, title 22, section 66262.34 subsection (f), Containers accumulating used oil must be labeled with the name and address of the generator and the words "Used Oil," "Hazardous Waste". In addition the container must be labeled with the initial date of accumulation.

Everybody Else (Generator >1,000kg/month)

The references to tank management requirements are found in California Code of Regulations, title 22, section 66262.34 subsection (a)(1) which directs the reader to Article 10 Tank Systems commencing with section 66264.190.

In brief, Article 10 states that tanks that are used for the accumulation of used oil must be kept in good condition. Tanks must be made of non-earthen, non-absorbing, rust-resistant material such as steel or oil-resistant plastic, and have adequate structural support to contain the used oil. There must be no severe rusting, no apparent structural defects or deterioration, and no leaking. Regular inspection and routine maintenance of all storage tanks is required. Faulty tanks must be repaired or replaced.

For those generators that must comply with Article 10, secondary containment (66265.193) and tank certifications (22CCR 66265.191) are required for storage tanks.

Secondary containment is a backup system designed to prevent the release and migration of wastes or accumulated liquids out of a storage tank or a storage tank system. Examples of secondary containment systems include an impervious bermed area or liner, a vault, or a double-walled tank.

