Used Oil

Walt Arkus

November, 2006
Topics of Discussion

- Where are the Used Oil regs?
- Definition of Used Oil
- The Recycling Presumption
- Mixtures of Used Oil & Other Stuff
- Rebuttable Presumption
- Used Oil Specification
- Requirements for Handlers
Where Are the Used Oil Regs?

- Adopted by USEPA 1993 at 40 CFR 279
- Adopted by NJDEP in 1996 at NJAC 7:26A-6
- Unlike UW at 40 CFR 273, Used Oils Not a HW
Definition of Used Oil

- Federal Part and *NJ Part*
- “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, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.
- UO is a Class D Recyclable Material in NJ
The Recycling Presumption

- Presumption applies unless or until someone disposes the used oil or sends the used oil for disposal

- Generator/other handlers need not worry about the ultimate fate - just comply with 7:26A-6
Mixtures of UO & Other Stuff
(UO/HW Mixing Scenarios)

- UO failing a D-Code itself = UO
- UO mixed w/Listed HW = HW
- D-Code UO mixed w/D-Code HW = UO, if mixture does not fail any D-Code
- UO not failing a D-Code mixed w/D-Code HW = UO, if mixture does not fail any D-Code
Mixtures of UO & Other Stuff
(UO/HW Mixing Scenarios)

- D-Code UO mixed w/D001-only HW = UO, if mixture does not fail D001 (mixture may fail original UO D-Code)

- UO mixed w/CESQG HW = UO
Mixtures of UO & Other Stuff
(Other Combinations)

- Materials Containing/Contaminated w/UO = UO, unless drained or removed
- Mixtures of UO w/Products = UO
- Materials Derived From UO
  - Reclaimed & beneficially used but not burned (e.g. lubricants) are not UO
  - Produced from & burned = UO (if off-spec)
  - Disposed = Not UO, but SW or HW
Rebuttable Presumption

- Presumption of *Adulterative* Mixing
- 1,000 ppm Total Halogens is the limit
- Rebut by showing that UO is not mixed w/halogenated HW, or
- Rebut by showing that UO is mixed only w/CESQG HW or HHW
- All Handlers are responsible
<table>
<thead>
<tr>
<th>Constituent/Property</th>
<th>Allowable Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>5 ppm max</td>
</tr>
<tr>
<td>Cadmium</td>
<td>2 ppm max</td>
</tr>
<tr>
<td>Chromium</td>
<td>10 ppm max</td>
</tr>
<tr>
<td>Lead</td>
<td>100 ppm max</td>
</tr>
<tr>
<td>Flash Point</td>
<td>100 Degrees F min</td>
</tr>
<tr>
<td>Total Halogens</td>
<td>1,000 ppm max*</td>
</tr>
</tbody>
</table>

*USEPA = 4,000 ppm
Once UO has been shown to meet the spec, it is considered on-spec (product) and is no longer a UO and not subject to UO rules.

The Used Oil Specification and the Rebuttable Presumption are completely separate requirements.
Requirements For UO Handlers

- Generators (6.4)
- Collection Centers/Aggregation Points (6.5)
- Transporters/Transfer Facilities (6.6)
- Processors/Re-Refiners (6.7)
- Burners (6.8)
- Marketers (6.9)
UO Generators (6.4)

- Rebuttable Presumption
- Subject to SPCC/DPCC/DCR Requirements
- Store in Containers or Tanks
  - Good Condition
  - Not Leaking
- Label Containers, Tanks & Piping “Used Oil”
- Release Response
- Ensure Transport Off-Site By Registered SW Transporters
UO Collection Points (6.5)

- NJMVC Licensed Private Inspection Facilities and Retail Service Stations
- Accept DIY Used Oil
  - 2 Gallons Per Person
  - May Charge Reasonable Fee
- Notify BRP of UO Collection Activities
UO Collection Centers (6.5)

- Accept UO From Generators & DIY
- Must Be Registered By County or Municipality
- Comply With Generator Standards of 6.4
UO Aggregation Points (6.5)

- Accepts UO From Generator Sites O/O By the O/O of the Aggregation Point
- May Also Accept UO From DIY
- Incoming Shipments 55 Gallons Or Less
- Comply With Generator Standards of 6.4
UO Transporters/Transfer Facilities (6.6)

Transporters

- Need EPA ID Number, NJ SW Transporter License (7:26-3)
- May Consolidate or Aggregate, But Not Process UO (Except for Incidental Processing)
- Discharge Response
- Rebuttable Presumption, Of Course
- Tracking of Shipments
UO Transporters/Transfer Facilities (6.6)

**Transfer Facilities**

- Also Defined as UO Transporters
- Notify Enforcement of Transfer Activities
- 24 Hours < Store < 35 Days
- If Store > 35 Days, Must Comply With Processor Standards (Except For Class D Approval)
- Subject to SPCC/DPCC/DCR Requirements
Transfer Facilities

- Store in Containers or Tanks
  - Good Condition
  - Not Leaking
- Secondary Containment for Containers and Tanks
- Label Containers, Tanks & Piping “Used Oil”
UO Processors/Re-Refiners (6.7)

- Definition of Processing
- Need EPA ID Number, Class D Approval (Unless Transfer Facility Only Storing >35 Days)
- Preparedness & Prevention
- Contingency Plan
- Rebuttable Presumption, Of Course
- Subject to SPCC/DPCC/DCR Requirements
- Store or Process in Containers or Tanks
  - Good Condition
  - Not Leaking
UO Processors/Re-Refiners (6.7)

- Secondary Containment For Containers and Tanks
- Label Containers, Tanks & Piping “Used Oil”
- Release Response
- Closure Standards
- Analysis Plan
- Tracking
- Operating Record/Biennial Reporting
UO Burners (6.8)

- EPA ID Number
- Rebuttable Presumption, Of Course
- Off-Spec UO May Be Burned Only In
  - Industrial Furnaces
  - Utility Boilers, Industrial Boilers
  - Hazardous Waste Incinerators
- Burners May Aggregate UO, But Only For Purposes of Burning (Not For Producing On-Spec UO)
UO Burners (6.8)

- Subject to SPCC/DPCC/DCR Requirements
- Store in Containers or Tanks
  - Good Condition
  - Not Leaking
- Secondary Containment For Containers and Tanks
- Label Containers, Tanks & Piping “Used Oil”
- Release Response
- Tracking
- One-Time Written Notice to Shippers
UO Marketers (6.9)

- A Marketer is any person who:
  - First claims UO meets the UO Specification, or
  - Sends off-spec UO directly to a UO Burner

- A Marketer must also comply with one of the Generator, Transporter/Transfer Facility, Processor, or Burner Requirements

- EPA ID Number
UO Marketers (6.9)

- If first claim UO meets the spec, keep copies of analyses (or other info) for 3 years
- Tracking - keep records of shipments for 3 years
- Obtain one-time written notice from Burners
Contact Information

Walt Arkus
NJDEP
Solid & Hazardous Waste
Phone: 609-984-2041
Email: Walt.Arkus@dep.state.nj.us