Recycling Used Oil in New Jersey

Sondra Flite,
Principal Environmental Specialist
NJ Department of Environmental Protection
www.state.nj.us/dep/dshw
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Topics:

- Where are the used oil regs?
- What’s a used oil and what isn’t?
- How about mixtures of oil and HW?
- What’s this rebuttable presumption that I keep hearing about?
- What are the used oil specs good for?
- What are my responsibilities as a generator?
- Can I burn oil in my shop?
- Can I move and consolidate my oil?
- What are the other categories of handler?
- FAQs
Feel like you’re reading a foreign language?

Used oil is regulated at 40 CFR 279 and NJAC 7:26A-6. Generators should read NJAC 7:26A-6.1-6.5.

Get a free non-judicial copy from DEP,

Or consultant copies, often affordable and conveniently bound,

Or the official copy, with case law notes, from Westlaw, at 1-800-808-9378.
New Jersey classifies UO as Class D Recyclable Material; lesser requirements than HW. 

Unlike UW, UO is not presumed to be HW. 

It is presumed to be destined for recycling until you dispose of it or ship it to disposal. It doesn’t count toward your HW totals.

It may be: cutting oil, hydraulic oil, compressor oil. 

Generated during: lube oil changes, cleanups, inventory cleanout.

New Jersey classifies UO as Class D Recyclable Material; lesser requirements than HW.
It can be unused!

- USEPA says it’s any oil refined from crude oil or any synthetic oil that has been used and, as a result of such use, is contaminated.

- NJDEP adds that it may also be unused oil that is contaminated, or that is determined to be a solid waste by the generator.

- That means you can include oil that you simply don’t intend to use.
NJAC 7:26A-6.1 Applicability
This tells you what we want to regulate, and what we want to leave out:

What’s in?
- Refined, Coal, Shale, Polymers (Synthetics).
- Used oil mixed with CESQG waste. Not best practice!
- Used oil mixed with products (fuel).
- Any oil you drain off solids.
- The solids themselves, if they contain “free flowing oil” (rags, filters).
- Oil that is only a D waste.
What’s out?

- Drained materials (filters): Solid waste or scrap metal. Recycling is best practice.
- Wastewater w/ minimal oil; see clean water act (and your POTW).
- PCBs oils: see 40 C.F.R. 761.20(e).
- Anything you dispose of: solid or HW.

And these products:

- Reclaimed materials (re-refined oil),
- Re-refining bottoms used in asphalt,
- Your diesel crankase oil and diesel fuel mixed on site to 5% for your own vehicles.

All are Product!

And...

- Corn oil! It moves to recycling as a product.
Not bad so far, but read on:

- D Characteristic Oil is a used oil. (Crankcase oil with lead) 😊
- Oil mixed with a listed waste (261.31, 32, 33, 38) is a HW (for instance, U228). (Solvents) 😞
- But “D” oil mixed with “D” HW, so that the resultant mix doesn’t exhibit any characteristic, is still used oil. 😊
- Non-“D” code used oil mixed with “D” HW so that the resultant mix doesn’t exhibit any characteristic is still used oil. 😊 Check with your destination facility!
- And if “D” code oil is mixed with D001-only waste, and the resultant mix is not D001 but fails for another characteristic, it’s still a used oil. 😊 (This allows ignitables (mineral spirits) back into fuel blending.)
- Used oil mixed with CESQG waste is Used Oil. Check first!

Best practice is not to mix!
The dreaded rebuttable presumption!
(To keep you from mixing non-oils into used oil.)

- Oil with 1,000+ ppm total halogens is presumed to be adulterated with a HW solvent.
- You can rebut this presumption with testing or knowledge of origin (MSDSs) (Chlorinated paraffins, CESQG waste (not best practice), salt water!) May raise your costs.
- Cutting oil moved by tolling agreements is exempt.
- CFCs reclamation are exempt. Keep separate!
NJAC 7:26A-6.2 Used Oil Fuel Specification

If you can prove your used oil meets specs, it may be sold as product, for any fuel purpose. But you can’t. Don’t confuse this with the Rebuttable Presumption! Pretend you never saw it.

**Arsenic** ≤ 5 ppm
**Lead** ≤ 100 ppm
**Cadmium** ≤ 2 ppm
**Flash point** ≥ 100°F
**Chromium** ≤ 10 ppm
**Halogens** ≤ 1,000 ppm*

*USEPA allows 4000 ppm.

7:26A-6.3 Prohibitions

- Surface impoundments or waste piles,
- Burning off-spec oil in commercial boilers
- Burning on-spec oil in a home/institution/unapproved space heater,
- Use for dust suppression.

*Oil is not asphalt!*
7:26A-6.4 Generators:

6.4(a) Who are they?
They are sites, not people that:
- Remove oil,
- Ship it to disposal or recycling,
- Spill it.

6.4(b) What’s not allowed?
- Transporting other people’s oil
- Disposing
- Refining or burning or marketing to others

6.4 (c) Liability
- You’re responsible for contamination in the oil you ship off site.
- They are not:
  - DIYs,
  - Diesel Crankcase blenders,
  - Farmers who generate <25g/mo.
7:26A-6.4(d)1 Cross-references

- SPCC requirements, N.J.A.C. 7:1E,
- Federal Clean Air Act, and NJAC 7:27,
- UST requirements of N.J.A.C. 7:14B

7:26A-6.4(d)2-5 Storage

- Drums or Tanks in good condition
- Check for leaks & rust,
- Label tanks and fill pipes “used oil”.
- Upon detection of release:
  - Stop the release;
  - Contain the released oil;
  - Properly manage oil and other materials; and
  - Repair or replace containers.
What the heck does 7:26A-6.4(d)5 mean?

- **Call the hotline as soon as possible:**
  - Tell them what happened.
  - Tell them where you are.
  - Ask what time they are recording the incident, for your records, and
  - The name of the duty officer.

- **Clean it up or call a contractor.** Don’t wait for emergency responders. They may join you there.

- **Make repairs if needed.**

- **Keep a record of what you did.**

- **Send us the generator copy of the manifest, if any.**
How much may I keep on site, and how long may I keep it?

As much as you like, for as long as you like. But ...

SPCC Plan needed at 1320g.
DPCC Plan needed at 200,000g.
Secondary Containment

We recommend it.

Spills that remain inside the containment are not releases. Don’t call us.
Absorbent materials

Put them where your staff can get at them.
Burning used oil in space heaters without permits.

Don’t just add it to your old boiler!
- Register with the air program.
- Total combined heat input ≤ 500,000 BTU/hr (about 3.5 gallons per hour).
- Only your used oil, generated on site.
- On-spec oil.
- Annual tune-up and emissions check.
- UL-tested units.
- You’ll need to keep records.
- Only automotive oils are allowed.
- Burn only in the shop.

To exceed this, speak to the Air Quality Program, at 609-984-3019, about permitting options.
6.4(f) Choosing a Transporter

- Use a transporter with an EPA ID #. Practically speaking, you use HW haulers.
- Carry 55 gallons of your own, without EPA ID #, in your vehicle, to collector or aggregation point that you operate. Don’t placard.
- Tolling transporter needs no EPA ID #.
- You may choose to keep samples of each load to protect yourself.
- Contracts are optional.
- Try to get paid.
- Keep bills of lading!
NJAC 7:26A-6.5 Collection and Aggregation: Taking DIY oil and combining loads.

- **Collection centers** accept & store. They may accept DIY oil. Most are county agencies.
  - They register and post a sign: USED OIL COLLECTION CENTER RECYCLE YOUR USED MOTOR OIL HERE plus any limit and fee.

- **Aggregation points** bulk one owner’s oil (and DIY, of course).
  - Must meet generator requirements.
  - May move up to 55 g. in your own trucks.

- **You may be required by law to be a collection center!**
State law says:
- retail service stations w/ UO tanks & reinspection stations permitted by DMV
- shall take DIY oil,
- shall post an 11x15” sign,
- but may reject tainted oil, and
- may set a 2 gallons limit, and
- may charge a fee to cover costs.

State law also says:
- DIYs must deliver it pure, during business hours.
- Marketers must advertise that oil is recyclable.

We advise:
- Visually inspect it, place it in the tank yourself
- Download our guide to collecting used oil.
Who are the other handlers? How do they differ from generators?

- **7:26A-6.6 Transporters and Transfer stations**
  - A-901 & registration
  - 35 day limit.

- **7:26A-6.7 Processors**
  - Preparedness and prevention
  - Permits
  - Closure plans

- **7:26A-6.8 Burners**
  - Industrial boilers (not commercial boilers)
  - Fuel tracking

- **7:26A-6.9 Marketers (if they exist)**
  - Must do analysis
  - Recordkeeping
FAQs from the Regulated Community

- **Non-terne plated filters** are exempted if you hot-drain after crushing, dismantling, or puncturing the anti-drain back valve or the dome. (12 Hrs at 68°F).

- **Parts washer fluid** isn’t used oil. It’s *solvent*. You need to classify as HW or “ID 72”. You may test or use process knowledge.

- How can I easily get a big fat fine?
  - Mislabel your tanks and fill pipes “HW”, “Waste oil”, or nothing.
  - Leave big spill marks around fill pipes.
  - Put brake cleaner in your oil.
  - Run an illegal space heater.

Ask for a courtesy visit!
Still Feel Nervous?

Ask your friendly regional inspector for a courtesy visit.

www.state.nj.us/dep/dshw

www.state.nj.us/dep/enforcement/ca-intro.html