

State Regulation of Used Oil, including state specifications, policies and procedures

Participating on the call:

CT – 9, ME – 1, MA – 2, NH – 9, NJ – 2, NY – 10, VT -2, EPA Reg. 1 – 1, NEWMOA-1

CT

Used Oil Specifications:

In general their requirements follow 279.

Some areas they are broader in scope.

Require generators to test for total halogens.

Requirements are in place to ensure the safety for the used oil system.

Evaluate if they are:

Mixed with listed waste,

Mixed with Characteristic waste,

Determine total halogens, and

Use the rebuttable presumption if total halogens > 1000ppm.

Transporters must test at least once per load

Knowledge of process must be documented and records must be retained for 3 years.

Testing must be done by either SW846 or ASTM D808, unless CT DEP approves and alternative. DEP is cautious about using MSDS for determining knowledge because they often don't show all constituents and may not be representative of contaminants.

For used oil specs: Fuel

Must have a minimum BTU value of 5,000 BTU/lb

Bans residential boiler burning & sale

Space heaters must be used to heat general shop area where used oil is generated, and not office buildings, etc. that are not associated with the generation of the used oil.

Mobile oil changers are allowed for < 55 gallons, they are considered the generators, and can be taken to an aggregation point.

Pay close attention to sham vs. legitimate recycling.

Impervious surfaces are required for storage areas and outdoor areas must also have secondary containment.

Mixing not allowed unless for legitimate recycling value.

No exemption for CESQGs mixing hazardous waste with used oil.

Documents available:

12 Fact Sheets & overall guidance documents associated with used oil.

ME

Regulate Dealers and Transporters of used oil of greater than 1000 gal/month

Follow the federal definitions for on spec and off spec used oil, but no rebuttable presumption.

Dealers (processors) required to test @ generator

Generators are required to test if they are sending for disposal.

No mixing of hazardous waste and used oil is allowed.

Dealers and Transporters are permitted

Must manifest off spec waste oil

Developed some policies and BMPs for generators for storage

Shipments from out of state to dealers must come in on a HW manifest.

MA

Not authorized for 279

1979 – MA created their own used oil regulations

1982 – Moved the used oil regulations under RCRA program

Generators of waste oil (both used and unused) must obtain an ID number. (Either federal or state depending on specification of waste oil).

Use MA01 as a waste code for manifests. Require notification, manifest and tank and container storage requirements similar to RCRA.

Must use licensed transporters

Transporters must use chem. Kits to detect halogens

Not allowed to mix hazardous waste and used oil

Non spec used oil must use a manifest; on spec used oil can be shipped with a bill of lading.

4 permitted W.O TSDs, who are basically blenders and marketers. 1 permitted marketer.

If waste oil is burned they need recycling and air permits.

No off spec burners.

Units must be > 3,000,000 BTU.

Must take back up to 5 gallons of waste oil with receipts.

Mobile Changers become generators.

Fact Sheets available.

NH

Rules are less stringent in some areas than 279, but more stringent in others.

Rules adopted in 1989, prior to most recent changes to 279, and requirements haven't been updated to reflect more recent changes to 279.

Only used oil derived from crude can be used oil, synthetics are subject to a hazardous waste determination, but they use some discretion.

Follows the federal usage criteria.

Require the testing of all used oil, except strictly automotive and DIY.
Used oil when recycled is subject to less stringent requirements.
Used oil cannot be mixed with any hazardous waste.

Specification standard is more stringent than federal
Off spec classification even when not mixed for items in the chart.
Even if used oil >1000 ppm is rebutted, it can never be anything but off spec.
No facility is required to collect, but many elect to collect. They have many exemptions for DIY, but no exemptions for CESQG.
Grants available for entities to help collect DIY.
Marketers – are the only ones who can collect.
Allow self transport of up to 110 gallons
Shipping on a bill of lading, and have a three year retention requirement.
Transporters are not required to do total halogen testing, but they usually do.
2 Sets of rules for storage
1. Labeling, container requirements, closed containers.
2. AST and UST rules apply along with ground water protections rules which require secondary containment or impervious surfaces depending on the location of storage.

Mobile oil changers assumed to be the generator.
No curbside pickup besides the mobile changers
Onsite generators with burners allowed, property specific, not building specific.
Allow transport by towns between town facilities to an aggregation point.
Residential burning prevented by fire codes.

NJ

Was the Wild West show during the 70s and 80s.
Used Oil regulated during that time as a state only hazardous waste.
Mid 90's – adopted federal used oil rules
Transporters must have hazardous waste transporter permits which require background checks
Recyclers need state permit which also requires prior approval by the municipality and the county for this class D recyclable.
Can only burn used oil onsite
Refiner has a pilot project to redistill the used oil. If it comes online this would take up most of the used oil marked in NJ.

NY

Requirements closely follow 279 standards
Used Oil regulations first adopted in the late 70's

Used oil is regulated under various provisions of the solid waste and hazardous waste regulations.
Solid waste regulations requires permitting for used oil transfer, processing/re-refining and non-DIY collection centers.

Hazardous waste regulations incorporate the 279 based used oil management standards. These regulations also incorporate references for Petroleum Bulk Storage standards for used oil tanks and waste transporter permitting requirements.

Waste transport requires a permit if hauling > 500 lbs of used oil.
Permits not required when hauling on-spec used oil to an on-spec burner.

All used oil tanks are subject to Petroleum Bulk Storage regulations, requires registration and inspection of tanks, and standards for new tank installations.

Service establishments selling ≥ 500 gallons, and retail establishments selling ≥ 1000 gallons of lubricating oil per year must accept up to 5 gallons used oil per person per day without charge. Some exceptions exist for full tanks or having arrangements with other facilities.

Halogen determination – for permitted facilities only testing is allowed.

VT

Based on 279

Definition of used oil – does not include crude oil or cleaning agents

If mixed with these types of materials – hazardous waste regulation applies

Cannot mix used oil with other hazardous waste, except when mixing with ignitable HW and the resulting mixture is not ignitable (but doesn't include F003).

When burning used oil VT's spec is similar to the federal.

However in VT total halogens can only be 1000 vs. federal of 4000.

Net heat of combustion must be at least 8,000 BTU/lb

Storage outdoor requires secondary containment

Transportation – generators may transport up to 55 gallons at a time.

Limit the types of used oil Fuel.

Can only burn crank case and gear box oil only. Others would need specific approval.

Containers cannot be disposed in SW landfill.