

USED OIL REGULATION IN NEW YORK

STATUTORY BASIS

Environmental Conservation Law ECL Article 23 Title 23.

ECL 23-2307 - Requires service establishments and retail establishments to accept used oil from DIYs. Also requires DEC to establish regulations governing used oil management at these facilities.

ECL 23-2305 - Requires DEC to establish regulations governing used oil collectors (transporters) and rerefiners in conformance to the solid waste statute, ECL Article 27. Article 27 establishes the state's adherence to RCRA and provides the statutory basis for the state's solid waste regulations, 6 NYCRR Part 360. RCRA-based hazardous waste regulations are in the state's Part 370 series.

Regulations

Subpart 360-1: Requires permitting of all solid waste management facilities unless exempt.

Subpart 360-14: Provides permitting requirements for used oil transfer, processing/re-refining facilities and non-DIY collection centers.

Lists facility types that are exempt from permitting and refers to their Subpart 374-2 management standards.

Subpart 374-2: The 40 CFR 279-based used oil management standards. Also provides the ECL Article 23-based requirements for accepting used oil from DIYs. This Subpart also references the Petroleum Bulk Storage (Parts 612 - 614) standards for used oil tanks and the waste hauling (Part 364) requirements.

Part 364: Waste hauling requirements. Independently applicable from 40 CFR 279 Subpart E based used oil transporting standards. Permitting required for hauling >500 lbs of solid waste.

Parts 612, 613, 614: Petroleum Bulk Storage regulations, regulates petroleum product tanks. Applicable to all used oil tanks via 374-2. Requires registration and inspection of tanks, standards for new tank installations. Applicable to ASTs and USTs. Regulations are currently being revised to conform more closely to 40 CFR 280.

MAJOR DIFFERENCES BETWEEN NEW YORK AND FEDERAL REGULATIONS

☞ Permitting:	Required for	hauling >500 lbs of used oil - Part 364
		Transfer facilities - Part 360
		Processors and rerefiners - Part 360
		Tank registration - Part 612
	Part 364 hauling permits not required when hauling on-specification used oil to an	

on-specification burner.

☞ Financial assurance

Required for used oil facilities permitted under Part 360.

☞ Acceptance of used oil from the public (DIYs)

Service establishments: Oil changing operation on the premises, selling at least 500 gallons of lubricating oil per year.

Retail establishments: Sales of at least 1000 gallons of lubricating oil per year.

Service establishments must accept up to 5 gallons of used oil per person per day without charge. Retail establishments must either accept used oil from the public as service establishments do or else arrange with another establishment to accept used oil in their place.

Signs must be posted stating used oil is accepted, or stating where the used oil can be accepted.

Acceptance only required during normal business hours.

☞ Halogen determinations

Permitted facilities - determination must be performed only by testing.

If oil not lab analyzed (i.e., test kits), then 5% of samples must be split sampled and analyzed at a lab certified under the Environmental Laboratory Approval Program (ELAP).

☞ On-Specification determinations

Any analysis for the used oil burning specifications must be performed at an ELAP-certified lab.

In the absence of good generator knowledge or analysis, all used oil is considered to be off-specification.

☞ Recordkeeping

Most 40 CFR 279-based records must be kept for 7 years.

PBS-based tank inspection records must be kept for 10 years.

COMPLIANCE ASSISTANCE/OUTREACH

Several informational items are available on our website.

General information on used oil:

<http://www.dec.ny.gov/chemical/8786.html>

This page includes a link to the Petroleum Bulk Storage regulations.

Used oil regulations:

Subpart 360-14 <http://www.dec.ny.gov/regs/4402.html>

Subpart 374-2 <http://www.dec.ny.gov/regs/4379.html>

Part 364 <http://www.dec.ny.gov/regs/4394.html>

Brochures and guides:

http://www.dec.ny.gov/docs/materials_minerals_pdf/autopam1.pdf

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/eusedoil.pdf

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/vehiclemaint.pdf