

The Regulation of Used Oil: Transporters and Transfer Facilities

THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste Program

This guidance document contains information for businesses that transport used oil. It summarizes Ohio EPA's used oil transporter management standards. These requirements are detailed in Ohio Administrative Code (OAC) rules 3745-279-40 through 3745-279-47. For more information please visit our used oil [Web site](#).

What is Used Oil?

Used oil is any oil, synthetic or refined, that has been contaminated because of its use. Examples include:

- Motor oil
- Hydraulic fluid
- Electrical insulating oils
- Transmission fluid
- Compressor oils
- Materials containing or otherwise contaminated with used oil including absorbents used to abate used oil spills and leaks and equipment that contains used oil

What is a Used Oil Transporter?

A used oil transporter is any person that does any of the following:

- Transports used oil
- Collects used oil from more than one used oil generator and transports the used oil
- Collects and transports absorbents contaminated with used oil
- Operates or owns a used oil transfer Facility
Conduct incidental treatment
 - Bulking individual containers of used oil
 - Draining used oil from oil filters
 - Separating used oil from absorbent material

Is It Possible to Transport Used Oil and Not be Subject to the Used Oil Transporter Requirements?

It is possible to transport used oil and not be subject to the used oil transporter requirements if:

- You are transporting used oil on-site; or
- You are the generator of the used oil and are transporting less than 55-gallons of used oil to a collection center or aggregation point (see [OAC rule 3745-279-24](#) for more information).



What Must I Do if I am a Used Oil Transporter?

As a used oil transporter, you must do the following:

- Notify Ohio EPA, Division of Environmental Response and Revitalization (DERR's) Hazardous Waste Program, and obtain an [EPA identification number](#) by filling out a notification form ([9029](#)) or by submitting a letter to Ohio EPA with the appropriate information. You can obtain a copy of the form and instructions on our [Web page](#) or by calling (614) 644-2924.

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- Determine if the used oil contains more than one thousand parts per million (ppm) total halogens, and retain records of all analyses or information used to make this determination for three years ([OAC rule 3745-279-44](#)). Acceptable analytical test protocols include [SW-846 Test Methods 9075, 9076](#) and [9077](#). The latter of these methods is a field test method such as Chlor-D-Tect 1000® and Chlor-D-Tect 4000®.
- Deliver used oil only to another use oil transporter, used oil processor/re-refiner, off-specification used oil burner or on-specification used oil burner.
- Comply with all applicable Department of Transportation ([PUCO in Ohio](#)) requirements.
- Manage all residues from transporting or storing used oil in accordance with [OAC rule 3745-279-10\(E\)](#).
- Manage all residues from transporting and incidental treatment of used oil that are hazardous waste in accordance with the applicable hazardous waste rules of [Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270](#) of the Administrative Code.
- Retain records of all shipments and deliveries of used oil for at least three years. The information recorded must include:
 - U.S. EPA identification number;
 - Date; and
 - Signature of receiver or provider of used oil

Note: Besides Ohio's used oil regulations, you may be subject to regulation under other programs. For example, if you store a large quantity of used oil on-site in containers or tanks, you may need to develop a spill prevention plan (called an [SPCC plan](#)). Call Ohio EPA's Division of Environmental Response and Revitalization at (614) 644-2924 for more information.

What Must I Do if I Have a Release or Spill of Used Oil During Transportation?

If you have a release of used oil during transportation you must:

- Take immediate action to protect human health and the environment (e.g., contain the release; notify local emergency authorities, etc.).
- Call Ohio EPA's DERR's [Emergency Response Program](#) at 800-282-9378, and follow up with a written report (see [49 CFR 171.15 and 171.16](#) for specific requirements of when to report).

At My Facility, Can I Store Used Oil from My Own Transporting Operations as Well as from Transporters?

Yes, you may. If you store used oil at your facility for more than 24 hours but less than 35 days, you are considered a used oil transfer facility and must comply with [OAC rules 3745-279-40 through 3745-279-47](#).

What Management Requirements Must I Follow if I am Storing Used Oil at a Transfer Facility?

If you are a transporter who is also acting as a transfer facility or you are a transfer facility, storing used oil you must:

- Store used oil only in tanks or containers that are in good condition and are not leaking.
- Equip used oil container storage areas with secondary containment that is sufficiently impervious to used oil (including the floor, dikes, berms and retaining walls) to prevent any used oil from migrating to the soil, ground water or surface water.
- Equip used oil aboveground storage tank(s) with secondary containment that is sufficiently impervious to used oil (including the floor, dikes, berms and retaining walls) to prevent any used oil from migrating to the soil, ground water or surface water. (If you are operating a tank that was installed after October 20, 1998, the floor

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must cover the ground underneath the tank. If the tank was in operation prior to October 20, 1998, then the floor only has to extend to the point where the tank meets the ground.)

- Label all used oil storage tanks (including fill pipes to underground storage tanks) and containers with the words “Used Oil.”

Upon detection of a release to the environment you must:

- Stop the release.
- Contain the released used oil.
- Clean up and manage the released used oil and other remediation materials.
- Repair or replace any containers or tanks prior to returning them to use.

What Happens if I Store the Used Oil for More Than 35 Days?

If you store used oil for greater than 35 days, your used oil transfer facility becomes subject to the requirements for used oil processors and re-refiners, found in **OAC rules 3745-279-50 through 3745-279-59**. These requirements are more comprehensive than the transfer facility standards. You would be required to follow a preparedness and prevention plan, as well as develop, maintain and distribute a contingency plan for your facility. Also, you would be required to perform closure on your used oil storage areas when you close the facility.

If I Transport Hazardous Waste, are There Any Provisions that I Should be Aware of if I Also Transport Used Oil?

If you also transport hazardous waste, you must ensure that your container/tanker trucks are empty. You must remove all hazardous waste by the normal means of emptying; ensure that no more than 3% by volume of residue remains on the bottom of the tanker trucks or container. For containers or tankers that have held acute listed waste you must triple rinse your container/tanker truck (see **OAC rule 3745-51-07** for details). EPA regulates tanker trucks as containers. You must meet these standards before the used oil that you transport is considered non-hazardous waste.

Transporters who generate residues from the storage or transport of used oil shall manage the residues as specified in paragraph (E) of **OAC rule 3745-279-10** of the Administrative Code. The rule outlines four possible dispositions for the residue derived from used oil.

1. The residue that are used beneficially and are not burned or used in a manner constituting disposal (e.g., re-refined lubricants) are: Not regulated as used oil and not subject to the used oil rules. The material is also not a waste and they are not subject to the hazardous waste regulations.
2. The residue produced from used oil that is burned for energy recovery (e.g., used oil fuels) is subject to regulation as used oil rules.
3. The residue that is disposed of or used in a manner constituting disposal are not used oil and are not regulated as used oil. The residue is a waste and thus are subject to the hazardous waste regulations
4. The residue that is used as feedstock to manufacture asphalt products are not subject to the used oil rules.

Who Can I Contact if I Have Other Questions Regarding Used Oil Transportation or Used Oil in General?

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Please contact Ohio EPA's ***Division of Environmental Response and Revitalization's***, Hazardous Waste Compliance Assurance Section at 614-644-2924. You can also contact the appropriate Hazardous Waste Program inspector for your area in one of the ***District Offices***.