

Wyoming Department of Environmental Quality (WDEQ)
Solid & Hazardous Waste Division (SHWD), Inspection & Compliance (I&C)
Used Oil Frequently Asked Questions (FAQ)
9/29/2015

The Wyoming State Used Oil requirements can be found under the Wyoming Hazardous Waste Rules & Regulations (HWRR), Chapter 1, Section 279 (279), and under the Wyoming Solid Waste Rules & Regulations (SWRR), Chapters 1, 6 & 7, and at the following web sites:

http://deq.state.wy.us/shwd/HWRules_z03.asp and
http://deq.state.wy.us/shwd/SW/SWRules_z03.asp

Copies of the rules and additional guidance can be obtained from the WDEQ/SHWD, 122 W. 15th Street, Cheyenne, WY 82002, or by phone at 307-777-7752.

I. Definition Of Used Oil

1. What is included in the definition of “used oil”?

A used oil must be derived from crude or synthetic oil, it must be used as a lubricant, heat transfer fluid, hydraulic fluid, or for similar uses, and it must be contaminated from use with chemical and physical impurities. Some examples of used oil include: used compressor oils, used coolants, used electrical insulating oil, used engine oil, used industrial hydraulic fluid, used industrial process oils, used mineral oil, used refrigeration oil, used synthetic oil (typically derived from coal, shale or polymer-based starting material), used transmission fluid, used brake fluid, and used grease that meets the above criteria. (EPA Used Oil Questions and Answers, EPA/530-X-94-XXX, February 1994)

2. What is not defined as “used oil”?

The following are not used oil: animal and vegetable oil (even when used as a lubricant), antifreeze, kerosene, petroleum distillate solvents (material derived from crude or synthetic oils and used as cleaning agents or solely for their solvent properties), and used oil re-refining distillation bottoms used as feedstock to manufacture asphalt products. (EPA Used Oil Questions and Answers, EPA/530-X-94-XXX, February 1994)

3. Are used oil and waste oil the same thing?

Used oil has a specific regulatory definition, which defines the scope of Chapter 1, Section 279, of the HWRR. Waste oil and oily wastes do not have specific regulatory definitions but generally include wastes, such as bottom clean-out waste from virgin fuel oil storage tanks, or virgin fuel oil spill clean-up, which are not used oil because they have never been used.

4. Is used grease considered used oil?

As long as it has been refined from crude or synthetic oil, contaminated from use, and used as a lubricant, grease meets the definition of used oil in Chapter 1, Section 260 (260.10/279.1).

5. *How is a mixture of used oil and diesel fuel regulated under the new standards?*

If the used oil and diesel fuel is blended by a generator for use in his or her own vehicles as a fuel, then the mixture is not regulated under the Wyoming HWRR, Chapter 1, Section 279, Used Oil Management Standards. However, if the used oil and diesel fuel is blended by anyone other than the generator or for any other reason than for use in the generator's vehicle (i.e., selling as fuel), then the mixing would be considered processing and subject to all applicable provisions of HWRR, Chapter 1, Section 266.

6. *Is used oil mixed with Exploration & Production (E&P) exempt produced water classified and regulated as used oil?*

The department has determined that if the source of the used oil is the result of minimal spillage resulting from the everyday operation of oilfield drilling equipment, the mixture would not be classified and regulated as used oil. However, if the source of the used oil is crankcase used oil (i.e., resulting from engine maintenance, etc.), the mixture would be regulated as used oil.

II. Used Oil Storage

1. *How much can my used oil storage capacity be before I become subject to the state permitting and EPA Spill, Prevention, Control, & Countermeasures (SPCC) plan requirements?*

You are currently exempt from state permitting requirements if you are a used oil generator [store your own used oil or used oil received from do-it-yourselfers (DIYs)] or if you are a commercially operated used oil management facility (used oil collection centers, aggregation points, transfer facilities, processors, re-refiners, burners and used oil fuel marketer) and you store less than 10,000 gallons of used oil to be recycled or burned for energy recovery. A permit is required for a commercially operated facility storing more than 10,000 gallons of used oil. If you are an auto salvage yard and scrap metal dealer, you are allowed to store up to 1,000 gallons of used oil before you have to obtain a permit. If you are a solid waste transfer, treatment, storage or processing facility, you are allowed to store up to 1,000 gallons of on spec used oil or used oil generated by DIYs before you have to obtain a permit.

If your total used oil storage capacity exceeds 1,320 gallons (containers 55 gallons or greater in size), you are subject to the SPCC requirements and must have an approved plan onsite.

2. *If my total used oil storage capacity is less than 10,000 gallons, am I required to have a P.E. certify my SPCC plan?*

No. The EPA December 2008 amendments contain a provision that contains streamlined requirements of the SPCC rule for qualified facilities. The owner or operator of a qualified facility has the option to self-certify his SPCC Plan and comply with other streamlined requirements. This final rule designates a subset of qualified facilities ("Tier I qualified facilities") as those that meet the current qualified facilities eligibility criteria and that have no individual aboveground oil storage containers with a capacity greater than 5,000 U.S. gallons. A

Tier I qualified facility has the option to complete a self-certified SPCC plan template instead of a full SPCC plan. By completing the SPCC Plan template, an owner or operator of a Tier I qualified facility will certify that the facility complies with a set of streamlined SPCC rule requirements. The Plan template can be found at the following link: <http://www.epa.gov/emergencies/content/spcc/tier1temp.htm>. For additional guidance concerning this requirement, please contact the WDEQ/SHWD at 307-777-7752.

3. What do I count to determine my total used oil storage capacity?

For evaluation of the applicability of the state permitting requirement, all container types and sizes are counted. When evaluating the applicability of the SPCC requirement, only containers with a capacity of 55 gallons or greater are counted to make the determination.

4. What are the used oil labeling requirements?

You are required to label all used oil containers (i.e., drip pans, tanks, used oil filter containers, plastic milk jugs, etc.) with the wording “Used Oil”.

III. Used Oil Transportation

Used oil transporters are persons who transport used oil, persons who collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.

1. Do I need any permits to transport my own used oil?

The **onsite transportation** of your own used oil is not regulated. Onsite transportation is defined as the transportation that occurs within the onsite confines of a facility which means the same or geographically contiguous property that may be divided by a public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross roads intersection, and access is by crossing as opposed to going along the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, is also considered onsite.

2. Do I need any permits to transport my own used oil offsite?

You may transport your own used oil **offsite** without an ID# and permit if the following criteria are met:

- 1) No more than 55 gallons of used oil is transported at any one time;
- 2) The used oil is transported in a vehicle owned by the generator or one of its employees; and
- 3) The used oil is transported to a collection center that is permitted or recognized/allowed by a state, county or municipal government, or aggregation point that has the same owner.

A used oil collection center is defined as any site or facility that accepts, aggregates or stores used oil from used oil generators and households, that bring their used oil to the collection center in shipments no more than 55 gallons at a time. A used oil aggregation point is defined as any facility that stores used oil generated from other used oil generation sites owned and operated by the owner/operator of the aggregation point where shipments do not exceed greater than 55 gallons. Used oil aggregation points may also accept DIY used oil.

3. What are the requirements if I transport greater than 55 gallons of used oil?

Used oil transporters transporting more than 55 gallons of used oil offsite, must comply with the following requirements (Wyoming Hazardous Waste Rules & Regulations, Chapter 1, Section 279, Subpart E):

- a) You must deliver the used oil to one of the following entities:
 - 1) Another used oil transporter having an EPA ID#;
 - 2) A used oil processing facility having an EPA ID#;
 - 3) An off spec used oil burner having an EPA ID#; or
 - 4) An on spec used oil burner (i.e., any burner unit that burns only on spec used oil).

b) The used oil tank or unit the used oil is being stored in must be labeled “Used Oil”

c) You must obtain a State/EPA ID#. This can be done by going to the following web site and filling out and submitting the form to us:

<http://www.epa.gov/epawaste/inforesources/data/form8700/forms.htm>

d) You must keep the following record of the used oil you pick up (accept) and/or deliver and must keep it for three (3) years:

- Name, address of the person who provided the used oil for transport
- State/EPA ID# (if applicable) of person providing the used oil for transport
- Quantity of used oil accepted
- Date of acceptance
- Signature of the person who provided the used oil
- Name and address of the facility receiving the used oil
- EPA ID# of the receiving facility or transporter
- Quantity of used oil delivered
- Date of delivery
- Signature of the person receiving the used oil

e) Either you or the used oil generator must make the determination whether the used oil meets the specification. See the questions below addressing IV. Used Oil Burning.

- f) You must comply with the used oil spill requirements listed under VI.
- g) A transfer facility is defined as a facility that stores used oil for longer than 24 hours and is used to store used oil that is transportation related. Some examples of these are: loading docks, parking areas, and tank and container storage areas. The specific requirements for a used oil transfer facility include: secondary containment, container requirements for non leaking units, and spill control/release cleanup requirements. (If it is determined that your facility would be classified as a transfer facility, you will need to comply with Compliance Checklist, HWRR, Chapter 1, Section 279, Used Oil Transporter/Transfer Facilities. This checklist can be found under the Checklists link under the I&C web page.)
- h) If you store used oil onsite longer than 35 days, you also must comply with Chapter 1, Section 279, Subpart F, Standards For Used Oil Processors And Re-Refiners.

IV. Used Oil Burning

1. What is the used oil fuel specification?

The specification is a listing of chemical constituent levels that determine whether used oil can be burned in certain specified types of burners. It contains the following constituents and levels:

Arsenic	5 ppm maximum ¹
Cadmium	2 ppm maximum ¹
Chromium	10 ppm maximum ¹
Lead	100 ppm maximum ¹
Total Halogens	4,000 ppm maximum
Flash point	100° F. minimum

¹Total analysis, not TCLP

Used oil exceeding any of the above criteria is classified as ‘off specification’ (off spec) and can only be burned in certain specified units. All used oil is determined to be ‘off spec’ until such time that it is proven to be ‘on spec’.

2. What is the rebuttable presumption?

The rebuttable presumption is an objective test used by the State/EPA to determine if used oil has been mixed with a hazardous waste. If used oil exceeds 1,000 ppm total halogens, it is presumed to have been mixed with a listed hazardous waste. The presumption may be rebutted by showing that the used oil has not been mixed or that it does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of Chapter 1, Section 261 of the Wyoming HWRR.

The used oil specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under HWRR, Chapter 1, Section 279 (279.10)(b)(1)(ii). Such used oil is subject to Subpart H of Chapter 1, Section 266 when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

3. What is on specification (on spec) used oil?

Used oil that does not exceed any of the used oil fuel specification levels is defined as on **on-spec** used oil. **On spec** used oil is no longer regulated under the used oil provisions of the Wyoming HWRR and can be burned as fuel oil in any type of unit.

4. What type of used oil can be burned in my burner unit?

Off spec used oil can be burned **only in a boiler or industrial furnace** as defined by the HWRR, a utility boiler, or hazardous waste incinerator. **On spec** used oil can be burned **in any type of combustion unit including those in schools, hospitals, apartment complexes, etc.**

You are allowed to burn **your own** used oil (off spec or on-) **in a used oil fired space heater** provided that the space heater is vented to the outside atmosphere, you burn only DIY used oil along with your own used oil, and the heater has a maximum design capacity of 500,000 Btu/hr. If you meet these requirements, you do not have to determine whether the used oil meets the specification.

5. What are the requirements if I burn other business used oil in my space heater or burning unit?

You are not allowed to burn **off-spec** used oil from other generators in a used oil fired space heater.

If you burn other business **on spec** used oil and you are the first person to make the specification determination for the used oil, **you are defined as a used oil marketer** and must comply with the following marketer requirements:

- a. You must obtain a State/EPA ID#;
- b. Keep a record of the name and address of the facility receiving the shipment;
- c. Keep a record of the quantity of used oil received/delivered;
- d. Keep a record of the date of shipment or delivery; and
- e. Keep a record containing a cross-reference to the record of the used oil analysis or other information used to make the determination the oil meets the specification.

Also, if you are a used oil generator, transporter, or processor/re-refiner that first claims the used oil meets the specification, you would also be classified as a **marketer** and you must also comply with the above requirements for **on spec** used oil determinations.

V. Used Oil Spills/Releases

1. If I have a spill of used oil, what are my requirements?

- a. Stop the spill/release;
- b. Contain the spill/release;
- c. Repair or replace any leaking containers or units before returning them to storage service;
- d. Clean up and properly manage the released used oil and other materials.

VI. Used Oil Containing PCBs

1. What are the requirements for used oil containing PCBs? [HWRR, Chapter 1, Section 279 (279.10)(i); 40 CFR Part 761.20]

- a. Used oil marketers and burners must presume that used oil burned for energy recovery contains >2ppm PCBs (quantifiable levels) unless testing or knowledge shows otherwise.
- b. Used oil that contains between 2 and 49 ppm PCBs is subject to the state used oil requirements (HWRR, Chapter 1, Section 279). The used oil is also subject to the TSCA PCB regulations (for marketers and burners only), when it is burned for energy recovery and it must be managed in the same way as off-spec used oil. The TSCA requirements are:
 - 1) It can only be marketed to qualified PCB incinerators as defined under 40 CFR 761.3;
 - 2) It can only be marketed to a burner identified under HWRR, Chapter 1, Section 279 (279.61)(a) (i.e., industrial furnaces and boilers, utility boilers, etc.);
 - 3) It can only be marketed to marketers that market off-spec used oil only to other marketers who have notified the State/EPA of their used oil activities and who have an EPA ID# where a number is required under HWRR, Chapter 1, Section 279 (279.73)(a);
 - 4) The marketer must contain test or other information that the used oil fuel does not contain quantifiable levels of PCB;
 - 5) The used oil containing any quantifiable levels of PCBs may be burned only in the combustion facilities described under #1 and #2;
 - 6) The marketer must comply with the recordkeeping requirements for marketers listed under HWRR, Chapter 1, Section 279 (279.72)(b). These requirements are: Keep analysis records for 3 years, (279.74)(a), off spec recordkeeping, (279.74)(b), on spec recordkeeping, and (279.74)(c), keeping records for 3 years;

- 7) The marketer must include copies of the analysis or other information documenting the claim that the used oil does not contain quantifiable levels of PCBs and the copy of the certification notice received from the burner relating to transactions involving PCB-containing used oil. [HWRR, Chapter 1, Section 279 (279.10)(i); 40 CFR Part 761.20].

Used oil containing >50 ppm PCBs must be managed under the EPA Toxic Substances Control Act (TSCA). [HWRR, Chapter 1, Section 279 (279.10)(i); 40 CFR Part 761.20]

2. **You are not allowed to dilute used oil that contains PCBs to avoid compliance with the requirements. If used oil containing PCBs are diluted, the used oil containing the PCB concentration prior to the dilution, is subject to the requirements.**

VII. Mixing Used Oil & Hazardous Waste

1. *Am I allowed to burn my used oil and mix hazardous waste with it before it is burned?*

The used oil hazardous waste mixture rules do not apply to mixtures of conditionally exempt small quantity (CESQG) hazardous waste and used oil. You are allowed to mix CESQG hazardous waste with used oil and the mixture is always regulated as used oil, even if the total halogens (TOX) exceeds 1,000 ppm.

You are allowed to mix ignitable-only hazardous waste (SQG and LQG) and used oil and burn it in a space heater if the entire mixture exhibits the hazardous waste characteristic of ignitability only (i.e., flashpoint less than 60°C. or 140°F.). However, if any other characteristic hazardous waste (i.e., reactive, corrosive or Toxicity Characteristic) is mixed with the used oil and the entire mixture exhibits that characteristic, the burning of the mixture would be classified as hazardous waste treatment and you would need to have a hazardous waste treatment permit to burn it in the used oil burner. If you mix any listed hazardous waste with the used oil and you burn it in a used oil burner, it would also be classified as hazardous waste treatment.