

## Used Oil Transporters, Marketers and Collection Facilities



State of Oregon  
Department of  
Environmental  
Quality

**Hazardous Waste**  
700 NE Multnomah St  
Suite 600  
Portland, OR 97232-4100  
Phone: 503-229-5696  
800-452-4011  
Fax: 503-229-5675  
[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

### Background

This fact sheet provides general guidance to used oil transporters, marketers and collection facilities. Transporting used oil or operating a used oil collection facility is subject to state and federal environmental regulations. For many used oil generators, the used oil transporter or collection facility is the first point where the oil gets formally tracked.

Additional used oil management guidance is listed at the end of this fact sheet.

Oregon has adopted federal Environmental Protection Agency used oil regulations found in Title 40 Code of Federal Regulations, Part 279, and has additional used oil requirements in Oregon Administrative Rules 340, Division 111. It is important to look at both sets of rules to understand all used oil management requirements. The topics listed below include references for specific federal and state rules, in case you wish to look up specific regulatory guidance. Web links to the more complete set of state and federal regulations are available at the end of this document

### Used oil collection facilities

There are three types of oil collection facilities: do-it-yourselfer centers (DIY), used oil collection centers, and used oil aggregation points/sites.

#### Do-It-Yourselfer collection centers (40 CFR 279.10(b), 279.21, and 279.30)

A DIY used oil collection center is any site or facility that accepts or aggregates and stores used oil collection only from individuals who generate used oil through maintenance of their own vehicles.

While DIY centers are not subject to quantity or storage time limits, they are subject to several requirements:

- Depending on the amount of used oil stored, these centers may be subject to Spill Prevention Control and Countermeasures
- For used oil mixed with hazardous waste, DIY centers must comply with generator standards listed in 40 CFR 279 subpart C. Mixtures of used oil and hazardous waste must be managed within specific standards include in CFR 279.10(b). This is covered

under “rebuttable presumption” language. Under the rebuttable presumption for used oil [279.10(b) (1) (ii)], used oil containing more than 1,000 parts per million of total halogens (including fluoride, chlorine, bromine and iodine) is presumed to be mixed with hazardous waste and thus must be managed as a hazardous waste and not as used oil – unless this presumption is refuted or “rebutted.”

### Rebutting the Presumption

A DIY center can rebut the “presumption” by collecting exclusively DIY used oil, which is exempt from hazardous waste regulations. If this DIY-only used oil is not mixed with any other oil, then the presumption will be rebutted.

If a DIY collection center is going to mix used oil with any other used oil, the presumption is still rebuttable. In this case, the collector can pour the regular used oil and exempt used oil in the same collection container. Each regular used oil container must be tested to record that total halogen content prior to collection. If the halogen content of the regular used oil exceeds 1,000 ppm, it should not be mixed with the DIY used oil. As long as all of the regular oil samples don’t exceed the 1,000 ppm threshold, and a chain of custody is maintained, the collector can rebut the presumption.

#### Used oil collection centers (40 CFR 279.31)

A used oil collection center is any site or facility that accepts and stores used oil collected from used oil generators regulated under 40 CFR 279, Subpart C, and OAR Chapter 340, Division 111, sections 0001-0070.

Used oil collection centers are subject to the following requirements:

- They must comply with used oil generation requirements for storage, labeling and transportation.
- They can accept used oil from generators in quantities no greater than 55 gallons at any one time.

- The used oil generator must transport the used oil in a vehicle owned or leased by the generator or owned by an employee of the generator.
- They must notify DEQ of their activity or have a DEQ- or EPA-issued hazardous waste identification number.
- They may also accept used oil from household DIY collection centers but must also comply with the rebuttable presumption provision noted above.
- As in the case with DIY collection centers, there are no quantity or time storage limits for used oil collection centers. Depending on amount of used oil stored, however, there may be requirements to complete a Spill Prevention Control and Countermeasure plan.

### **Used oil aggregation points owned by the generator (40 CFR 279.32)**

A used oil aggregation point collection center is any site or facility that accepts, aggregates and stores used oil collected only from other used oil generation site owned or operated by the owner or operator of the aggregation point.

Aggregation point operators are subject to the following regulations:

- They may accept used oil only from other used oil generation sites owned or operated by the owner or operator of the aggregation point.
- The generator must transport used oil to the aggregate points in quantities not to exceed 55 gallons at any time.
- The aggregation point collection center must comply with used oil generator requirements for storage, labeling and transportation.
- The used oil generator must transport the used oil in a vehicle owned or leased by the generator or owned by an employee of the owner.
- Used oil aggregation points may also accept used oil from household DIY collection centers.
- As in the case with DIY and used oil collection centers, there are no quantity or storage limits for used oil aggregation points. Depending on amount of used oil stored, however, there may be requirements to complete a Spill Prevention Control and Countermeasure plan.
- The rebuttable presumption provision listed above for mixtures of used oil and hazardous waste does not apply to used oil contaminated with chlorofluorocarbons that have been mixed with used oil from sources other than refrigeration units.

The used oil transporter must maintain records of analysis or information used to rebut the presumption provisions for at least three years.

### **Used oil storage at transfer facilities (40 CFR 279.1 and 279.45)**

A used oil transfer facility is any transportation-related facility, including areas for parking, storage and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days.

Used oil transfer facilities are subject to the following regulations:

- They must not store used oil for more than 35 days. Those storing for a longer period are subject to more stringent requirements for used oil processors/re-refiners (see 40 CFR 279, subpart F)
- They must store used oil in tanks or containers.
- Containers and tanks must be in good condition, meaning no leaking, severe rusting or apparent structural defects.
- Containers and tanks need to be clearly labeled with the words "Used Oil."
- Secondary containment needs to be provided for above-ground tanks and containers.
- Underground storage tanks storing used oil are subject to management standards found in OAR Chapter 340, Divisions 122 and 150, and in 40 CFR Part 280 (underground storage tank requirements)
- Transfer facility owners or operators must respond to spills and releases of used oil as required in OAR 340, Division 108.
- These facilities may be subject to Spill Prevention Control and Countermeasure requirements, depending on quantity of oil stored.

### **Recordkeeping requirements (40 CFR 279.46)**

**Used oil acceptance records.** Used oil transporters must keep, for at least three years, records of each oil shipment accepted for transport. Records for each shipment must include:

- Name and address of the used oil generator, transporter or processor/re-refiner that provided the used oil for transport
- The DEQ- or EPA-issued hazardous waste identification number, if applicable, for the generator, transporter or processor/re-refiner that provided the used oil for transport.
- Quantity of used oil accepted
- Date of acceptance
- Signature of representative of the generator, transporter or processor /re-refiner that provided the used oil for transport

- Signature of representative of the generator, transporter or processor /re-refiner that provided the used oil for transport

**Delivery records.** Used oil transporters must keep, for at least three years, records of used oil delivered to another oil transporter or to a used oil burner, processor/re-refiner or disposal facility. Records of each delivery must include:

- Name and address of the receiving facility or transporter
- DEQ- or EPA-issued hazardous waste identification number of the receiving facility or transporter
- Quantity of used oil delivered
- Date of delivery
- Dated signature of a representative of the receiving facility or transporter

#### **Questions/answers for transporters and transfer facilities**

*Do used oil transporter requirements apply to shipments of used oil from curbside collection programs to used oil collection centers?*

No. Transporter regulations in the federal code do not apply to transportation of used oil collected from household do-it-yourselfers to regulated used oil generators, collection centers, aggregation points, processors/re-refiners or burners. Used oil transportation requirements do apply, however, to transporters of collected DIY used oil from regulated used oil generators, collection centers, aggregation points or other facilities where DIY used oil is collected.

*Does transport of used oil require a manifest?*

No. Although generators must ensure that their used oil is transported only by transporters who have obtained an EPA identification number and there's some paperwork associated with shipping used oil (see 40 CFR 279.24), there's no requirement for use of a hazardous waste manifest. Only if the used oil is sent for disposal and meets the definition of hazardous waste would a manifest be required.

#### **Used oil marketers (40 CFR 279.70)**

A used oil marketer is any person who 1) directs a shipment of off-specification used oil from their facility to a used oil burner or 2) first claims the used oil that is to be burned for energy recovery meets used oil specifications outlined in federal regulations (40 CFR 279.11).

Used oil marketers are not:

- Used oil generators and transporters who transport used oil received only from generators, unless they direct a shipment of off-specification used oil from their facility to be used as burner oil
- Persons who direct shipments of specification used oil and who are not the first person to claim the used oil fuel specification

Persons who direct shipment of specification used oil and who are not the first person who claims that it meets the used oil specifications must also comply with one of the following used oil management regulations:

- Generators (40 CFR 279, subpart C)
- Transporter and transfer facilities (40 CFR, subpart E)
- Processors or re-refiners (40 CFR, subpart F)
- Burners who burn off-specification used oil for energy recovery (40 CFR, subpart G)

#### **Used oil marketer prohibitions (40 CFR 279.72)**

A used oil marketer may initiate a shipment of off-specification used oil only to a used oil burner who has a DEQ- or EPA-issued hazardous waste identification number and burns the used oil in an industrial furnace or boiler identified in 40 CFR 279.61(a).

#### **Notification of used oil processing and marketing activity (OAR 340-111-040)**

Used oil marketers must notify DEQ of their used oil activity using DEQ's "Used Oil Activity Notification Form." The form is mailed to used oil marketers, processors and off-specification burners in January of each year for the previous year's activity. If you participate in one of these activities please call 503-229-6968 to request a form.

#### **Used oil marketer recordkeeping (40 CFR 279.74)**

Used oil marketers must keep a record of each used oil shipment to a used oil burner. Records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. The records must be maintained for at least three years.

Each shipment record should include the following information:

### For off-specification used oil shipments:

- Name, address, and DEQ- or EPA- issued hazardous waste identification numbers of transporter delivering the used oil to the burner as well as the burner receiving the used oil
- Quantity of used oil shipped
- Date of shipment

### For specification used oil shipments:

- Name, address of facility receiving the shipment
- Quantity of used oil delivered
- Date of shipment
- A cross reference to the record of used oil analysis or other information used to determine the oil meets the specification as required under 40 CFR 279.72(a)

### PCB-containing used oil (40 CFR 761.20)

Used oil to be burned for energy recovery is presumed to contain quantifiable levels (2 ppm) of polychlorinated biphenyls unless the marketer obtains analysis/testing or other information that the used oil does not contain quantifiable levels of PCBs. Other information used to demonstrate the used oil doesn't exceed quantifiable levels of PCBs may consist of either personal/special knowledge of the source and composition of the used oil, or certification from the person generating the used oil claiming that the oil contains no detectable levels of PCBs.

Before shipping used oil with detectable levels of PCBs to burners, marketers must receive from the burner a one-time certification that the burner has complied with notification requirements and will burn used oil containing quantifiable levels of PCBs in qualified PCB incinerators, as defined by 40 CFR 761.3.

### Notices (40 CFR 279.75)

Before a used oil marketer directs the first shipment of off-specification used oil to a used oil burner, the marketer must obtain a one-time written, signed notice from the burner certifying:

- The burner has notified DEQ stating the location and general description of used oil management activities
- The burner will burn the off- specification used oil only in an industrial furnace or boiler identified in 40 CFR 279.61 (a)
- A copy of the certification shall be maintained for at least three years from the date of the last shipment of off-specification used oil is shipped to the burner.

### Where to find more information

For more information on requirements for used oil burners and marketers, please see the following:

[Oregon Administrative Rules Chapter 340, Division 111](#). Oregon's used oil regulations.

State regulations on underground storage tank regulations are in OAR [Chapter 340, Division 150](#).

State regulations on hazardous waste and oil spills are in OAR Chapter 340, Division 108.

Federal used oil regulations are in [Title 40, Part 279 of the Code of Federal Regulations](#).

Other related federal requirements of interest are on the [federal website for Title 40](#), "Protection of the Environment."

- Part 280 (underground storage tanks)
- Part 112 (federal spill prevention, control and countermeasure plan requirements)
- Part 716 (PCB used oil)

### DEQ regional offices and assistance

For more assistance contact the DEQ hazardous waste program specialist in your area.

**Northwest Region Office:** 700 NE Multnomah St, Suite# 600, Portland, OR 97232-4100, 503-229-5696

**Bend office:** 475 NE Bellevue Dr, Suite 100, Bend, OR 97701, 541-388-6146

**Pendleton office:** 700 SE Emigrant, Suite 330, Pendleton OR 97801, 541-276-4063

**Salem office:** 4026 Fairview Industrial Dr, Salem, OR 97301, 503-378-8240

**Eugene office:** 165 East 7<sup>th</sup> Ave, Suite 100 Eugene, OR 97401, 541-686-7838

### Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).