

# Program Implementation Guidance

## Used Oil Transfer Facility Equivalent Secondary Containment

Number: 2001-PO-003 Effective Date: February 8, 2001

### Purpose

This guidance provides guidance to Department staff when evaluating the application of the used oil regulations for used oil transfer facilities that do not have impervious secondary containment when storing used oil for more than 24 hours. This document is intended solely as guidance for employees of the Department of Environmental Quality (DEQ). It does not constitute rulemaking by the Environmental Quality Commission and may not be relied upon to create a right or benefit, substantive or procedural, enforceable by law or in equity, by any person. DEQ may take action at variance with this guidance statement.

### Applicability

This guidance applies to used oil transporters storing used oil for more than 24 hours that do not have oil-impervious secondary containment required under 40 CFR 279.45(d)(i & ii) and 279.45(e)(i & ii).

### Why is this guidance needed?

This guidance is designed as a tool to assist field staff in making their used oil compliance determinations when used oil transfer facilities storing used oil for more than 24 hours that do not have impervious secondary containment.

### Discussion

Federal regulations<sup>1</sup> define used oil transfer facilities as any transportation related facility including loading dock, parking areas, storage areas and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the course of transportation. 40 CFR 279.45 requires used oil transfer facilities to have

secondary containment impervious to used oil for areas where used oil is stored for more than 24 hours. In lieu of secondary containment, transfer facilities may install "equivalent secondary containment." EPA describes these systems as having capacities generally less than 12,000 gallons and providing protection of navigable waters substantially equivalent to that provided by the secondary containment systems listed in 40 CFR 112.70(c) of the federal Spill Prevention, Control and Countermeasure (SPCC) regulations. An example of an alternate tank system would be shop-fabricated double-walled tanks installed and operated with overfill protection measures.

Many used oil transporters in rural areas of the state are small companies and are often unable to afford secondary containment for their collection trucks while parked at their parking facilities. The amount of oil transported by these small transporters is often small (<1,000 gallons). These trucks containing used oil are often idle for periods of greater than 24 hours while they are parked for the weekend. Oil from these trucks is aggregated from generators and transported to a used oil transfer facility or processing facility. The economic burden to install secondary containment at these small facilities may cause the transporter to close their business.

Because of the potential impact to the environment and public health and safety, the Department must encourage impervious secondary containment whenever feasible. However when installation of secondary containment for transport vehicles causes financial burden to the small used oil transporter, the equivalent secondary containment system (as allowed by 40 CFR 279.45(d)(1)(iii) and 279.45(e)(iii)) may be utilized by the facility.



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/)

<sup>1</sup> See 40 CFR 279.1.

When evaluating an equivalent secondary containment system for compliance, the Department will, on a case-by-case basis, determine how effectively the system would prevent releases of used oil into the environment. Equivalent containment should provide protection substantially equivalent to that provided by the Spill Prevention Control and Countermeasure (SPCC) regulations of 40 CFR 112.

One of the following preventive systems should be required at a minimum:

- Double walled tanks,
- Overfill prevention measures (alarms, constant monitoring),
- Dikes or berms sufficient to contain any release of used oil,
- Sufficient curbing to contain any release of used oil,
- Culverting, gutters or other drainage systems sufficient to contain any release of used oil,
- Weirs, booms or other barriers, or
- Sorbent materials available at site.

Facilities considering equivalent secondary containment systems should be made aware of the cleanup costs if used oil releases occur and should be confident that the equivalent system they employ will minimize their liability should a release occur.

### **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 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).