

Understanding Used Oil & Used Oil Filters

In March 1994, the Nevada Division of Environmental Protection (NDEP) adopted new used oil management regulations. While many of the previous used oil requirements remain in effect, the new provisions include additional on-site management and recordkeeping requirements applicable to used oil generators; new recordkeeping requirements are also mandated for used oil transporters. Additional requirements for bulking and blending facilities used by the transporters are also included in the regulations, but these requirements are not addressed in this fact sheet. The Nevada regulations incorporate most of the federal used oil management regulations adopted as Title 40 of the Code of Federal Regulation, Part 279 (40 CFR §279) in September 1992; Nevada, however, more stringently regulates mixing wastes and materials with used oil. The Nevada regulations can be found in Chapter 444 of the Nevada Administrative Code.

Used oil is any oil refined from crude oil, or synthetic oil, which has been used and as a result of the use is physically or chemically contaminated by impurities. Used oil generated in the State of Nevada is not considered a hazardous waste if it is collected and recycled or burned for energy recovery. Used oil that has not been mixed with hazardous waste and contains no more than 1,000 parts per million (ppm) halogenated compounds, is not considered a hazardous waste if it is collected and either recycled or burned for energy recovery. Used oil not being burned or recycled must be managed as a hazardous waste unless it is determined to be non-hazardous through laboratory analysis.

If used oil is considered a hazardous waste in the State where it was generated, it must be managed as a hazardous waste if transported to Nevada for disposal, even if it has not been mixed with another hazardous waste or contains less than 1,000 ppm halogenated compounds.

Managing Used Oil

Businesses generating used oil must collect and store the used oil in non-leaking tanks or containers that are in good condition without rust, dents, bulges, or other structural deformities. Unless the specific requirements outlined in the Mixing Provisions section of this fact sheet are met, other wastes are not permitted to be mixed with used oil. The tanks or containers should be dedicated to the storage of used oil and must be labeled with the words "**Used Oil**"; similarly, fill pipes of underground storage tanks holding used oil must be labeled "**Used Oil**". Weekly inspections of containers to check for leaks should be performed and documented; any leaks found should be repaired immediately. Secondary containment around used oil storage areas is advised and may be required by local fire and sewer district regulations. Secondary containment can prevent isolated spills from causing safety hazards and illegal discharges to drains.

Mixing Provisions

The newly adopted Nevada-specific regulations allow for the mixing of certain non-hazardous materials with used oil. Additionally, the new regulations allow only conditionally exempt small quantity generators (CESQGs) to mix ignitable solvent hazardous wastes with used oil, provided specific criteria in the Mixing Allowed for Conditionally Exempt Small Quantity Generators section of this fact sheet are satisfied. CESQGs are those businesses who produce no more than 100 kilograms (approximately 26 gallons) of hazardous waste in a calendar month.

Allowed Mixtures of Fuels and Products

The regulations allow the mixing of certain materials with used oil. Waste gasoline may be mixed with used oil if the resultant mixture does not exhibit any of the characteristics of hazardous waste (Subpart C 40 CFR § 261) - specifically, the mixture must not be ignitable, reactive, corrosive, or toxic as determined by the Toxicity Characteristics Leaching Procedure (TCLP) test. Waste diesel fuel may be mixed with used oil; written approval must be granted by NDEP prior to using the resultant mixture for extractive mining activities (i.e., combining the mix with ammonium nitrate for blasting purposes may only be performed with express written approval from NDEP). Similarly, diesel fuel (not waste) may be mixed with used oil, and written permission to use the mixture for mining extraction activities must be granted by NDEP.

Mixtures of used oil and products other than those allowed by the regulations must be managed as hazardous waste unless the mixture has been definitively shown to be non-hazardous or unless the mixture is being reused or burned for energy recovery.

Allowed Mixtures of Non-Hazardous Wastes

Mixing of non-hazardous wastes with used oil is allowed; however, documentation that the waste mixed with the used oil is non-hazardous must be maintained on-site and available for inspection for at least three years from the date of mixing. For example, waste non-hazardous hydrocarbon-based cleaner that is not ignitable and passes the TCLP test may be mixed in the used oil. The Material Safety Data Sheet (MSDS) and the analytical results of the TCLP test applied to the waste should be maintained in the generator's files for at least three years from the date of mixing.

Used oil transporters are concerned about Btu values and other materials mixed with used oil. To avoid affecting the Btu value of the used oil, only certain types of non-hazardous materials should be mixed with used oil; used oil generators should discuss allowable mixing with their used oil transporter.

Mixing Allowed for Conditionally Exempt Small Quantity Generators

Conditionally Exempt Small Quantity Generators (CESQG) who, in one month, generate less than five gallons of ignitable hazardous waste (40 CFR § 261.21 Subpart C) may mix that waste with used oil if the resultant mixture is not considered ignitable. Waste that is hazardous for any other reason besides being solely an ignitable hazardous waste cannot be mixed with used oil; if such waste is mixed with used oil, the mixture must be managed as hazardous waste. Naphtha-based solvent represents one common waste that is hazardous solely because of ignitability. Typically, paint thinner and ink wash-up solutions cannot be mixed with used oil because they are hazardous wastes due to ignitability and because constituents such as acetone, toluene and xylene are listed under Subpart D of 40 CFR § 261.

Any CESQG that mixes an ignitable hazardous waste with used oil must maintain readily accessible records documenting the following:

- Type of hazardous waste mixed with the used oil
- Quantity of hazardous waste mixed with the used oil
- Quantity of used oil to which the waste was added
- Date the mixing was performed
- Amount of solvent purchased considered ignitable hazardous waste upon disposal

These records must be maintained for three years from the date of mixing.

Small quantity generators and large quantity generators of hazardous waste are not permitted to mix any hazardous waste with used oil. Mixtures of used oil with hazardous waste(s), except the five gallon solvent mixture allowed for CESQGs, must be managed as hazardous waste.

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Managing Used Oil Spills

Isolated spills of used oil may be controlled with absorbent material such as "kitty litter", vermiculite, or synthetic adsorbent provided the mixture of used oil and absorbent does not contain any free liquid. The mix of absorbent and used oil may be disposed of as solid waste if no free liquid is present.

Transporting Used Oil

The new regulations also establish proper practices for the transportation of used oil. The regulations allow used oil generators to transport their own used oil to a collection center or to an aggregation point that is owned by the generator. Generators are allowed to transport a maximum of 55 gallons of used oil per shipment in a vehicle owned by the generator or an employee of the generator. The used oil must be transported to a permitted collection center or to a company designated aggregation point.

If a used oil hauler is hired, the generator of the used oil must use a transporter who has an EPA transporter number. The transporter must maintain records of the generator's EPA identification number (if they have one), the quantity of used oil accepted for transport, the date of the transaction, and the signature of the used oil generator. Generators should keep a copy of the receipts from the used oil haulers on file for at least three years.

On-site Used Oil Burners

Businesses which generate used oil may burn the oil in on-site used-oil fired space heaters, provided hazardous wastes are not mixed with the oil. Only waste oil generated at the business or by household "do-it-yourselfers" may be burned in the space heaters located at that business; used oil generated at one business cannot be burned in another business' space heater. On-site used-oil fired space heaters cannot exceed 0.5 million Btu per hour. Air permits for on-site used oil space heaters are required in Washoe County; Chris Ralph of Washoe County Air Pollution Control District, (775) 784-7200, can provide additional information regarding these permits. There is the potential for an air permit to be required in Clark County contact (702) 455-1618 for additional information regarding any required permit. If a business is located outside of Washoe or Clark County, the State of Nevada, Bureau of Air Quality requires an air permit for used oil fired space heaters with a Btu value greater than 4 million Btu per hour. For information regarding the State permitting requirements call (775) 687-9339.

Used Oil Filters

On May 20, 1992, the Federal Environmental Protection Agency (EPA) issued a final rule on the handling and disposal of used oil filters. In the past, it was the generator's responsibility to determine if their used oil filters were a hazardous waste; historically, this determination was made by applying a TCLP analytical test to the used oil filters to determine if there were elevated levels of organic and/or inorganic constituents. **Under EPA's final rule of May 20, 1992, non-terne plated used oil filters are exempt from hazardous waste regulation if the filters have been gravity hot-drained using any one of the following methods:**

1. **Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;**
2. **Hot-draining and crushing;**
3. **Dismantling and hot-draining; or**
4. **Any other equivalent hot-draining method which will remove used oil.**

The EPA recommends a 12 hour hot-drain time and defines "hot-drained" as drained near engine operating temperature and above room temperature (e.g. 60 °F).

This exemption is for non-terne plated oil filters only. Terne, an alloy of tin and lead, serves as plating on some oil filters. The lead concentration found in unused tern-plated oil filters can render the oil filter a hazardous waste, even without additional contamination that could occur during normal use. Filter manufacturers in the United States no longer make terne-plated filters. However, if you have a tern plated filter, you should either presume it is a hazardous waste, test it for lead using the TCLP analysis, or have it recycled under the scrap metal exemption.

No determination has been made regarding fuel filters, transmission oil filters, or specialty filters. The toxicity characteristics rule would apply to these in order to make a waste determination. If you have any questions regarding this information, call the Business Environmental Program at (800) 882-3233.

NEVADA USED OIL HAULERS

Reno/Sparks/ Carson City/Gardnerville

Reno Drain Oil	775-342-0351
Clearwater EMI	775-577-9001
Thermo Fluids, Inc.	208-465-4800
Safety-Kleen	775-331-4477
H ₂ O Environmental	775-351-2237

Las Vegas

Thermo Fluids, Inc.	702-399-6634
Ev-Con	702-644-1167
Safety-Kleen	702-657-2300
H ₂ O Environmental	702-396-4148

Elko/Ely/Winnemucca

Clearwater EMI	775-577-9001
Thermo Fluids, Inc.	208-465-4800

This listing of used oil haulers is provided for informational purposes only. This list is provided as a service to Nevada businesses in order to assist them with proper waste management. The listing of these businesses is not to be construed as an actual or implied endorsement of their services. Additionally, other businesses which provide similar services may not be listed; this omission is not to be construed as an actual or implied denouncement of these businesses.

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DISCLAIMER: This guidance document is intended as general information and is not provided nor intended to act as a substitute for legal advice or other professional services. BEP advises the regulated community to read all applicable regulations set forth in both US Code of Federal Regulations (Title 40 C.F.R. Parts 260-279) and the Nevada Hazardous Waste Regulations and to keep informed of all subsequent revisions or amendments to these regulations. This guidance document was developed by BEP with funding support provided by the Nevada Division of Environmental Protection.

