

Wyoming Department of Environmental Quality (WDEQ)
Solid & Hazardous Waste Division (SHWD), Inspection & Compliance (I&C)
Revised Used Oil Handout
Frequently Asked Questions (FAQ)
1/11/2011

The Wyoming State Used Oil requirements can be found under the Wyoming Hazardous Waste Rules & Regulations (HWRR), Chapter 12, Sections 10-18, 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. Used Oil Storage

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)

What used materials are not regulated as “used oil”?

The following are some examples of used materials that 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)

How much can my used oil storage capacity be before I become subject to the permitting and SPCC requirements?

You are exempt from state permitting requirements if your total used oil storage capacity is less than 2000 gallons and you do any type of vehicle service activities at your business (i.e., change oil on personal vehicles, etc.). If you do not perform any type of vehicle service activity at the facility, you are exempt if your total used oil storage capacity is less than 500 gallons. If your total used oil storage capacity exceeds 1,320 gallons, you are subject to the SPCC requirements and must have an approved plan onsite. (See SPCC Requirements under ‘Other Hazardous Waste Guidance’ of this web page) To obtain a used oil permit, please contact the WDEQ, Solid Waste Permits & Corrective Action (SWP&CA) group at 307-777-7752. Phone number contacts for

each specific SWP&CA District can be found at the following web site:

<http://deq.state.wy.us/shwd/SW/contact%20information.asp>

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.

What are the used oil storage labeling requirements?

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

II. Used Oil Specification

What is the used oil 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 maximum¹
Cadmium 2 ppm maximum¹
Chromium 10 ppm maximum¹
Lead 100 ppm maximum¹
Total halogens 4,000 ppm maximum.
Flash point 100°F minimum.
¹Total analysis, not TCLP

The 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 12, Section 10(a)(ii)(A). Such used oil is subject to Section 8 of Chapter 12 when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

Once the used oil has been shown not to exceed any of the above levels and the one making this demonstration complies with the following requirements:

- 1) There is test data or copies of test data or process knowledge information showing the oil meets all of the above constituent levels. Process knowledge is defined as using historical test results, other handler's test results, or personal knowledge of the source and composition of the used oil,
- 2) The determination information is kept for a minimum of 3 years,
- 3) The person making the claim obtains a State/EPA ID#, and
- 4) The person making the claim complies with the on-spec used oil shipment requirements listed under HWRR, Chapter 12, Section 16(e)(ii);

then, the used oil is no longer regulated under the used oil provisions of the HWRR.

What are the requirements for used oil containing PCBs?

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. Used oil that contains between 2 and 49 ppm PCBs is subject to the state used oil requirements (HWRR, Chapter 12). 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. These 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 12, Section 15(b)(i)(A) & (B) (i.e., industrial furnaces and boilers, utility boilers, etc.).
- 3) It can only be marketed only to marketers who 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 12, Section 16(d).
- 4) The marketer must contain test or other information that the used oil fuel does not contain quantifiable levels of PCBs.
- 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 12, Section 16(c)(ii)(analysis records for 3 years), (e)(i)(off spec recordkeeping), (e)(ii)(on spec recordkeeping), and (e)(iii)(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 12, Section 10(a)(ix); 40 CFR Part 761.20]

Used oil containing less than 50 ppm PCBs that is recycled in ways other than being burned for energy recovery, is excluded from #6 and #7 above unless the used oil was diluted to below the 50 ppm level or the PCBs were not legally manufactured, processed, distributed in commerce, or used under TSCA. [HWRR, Chapter 12, Section 10(a)(ix); 40 CFR Part 761.20]

Used oil containing >50 ppm PCBs must be managed under the EPA Toxic Substances Control Act (TSCA). [HWRR, Chapter 12, Section 10(a)(ix); 40 CFR Part 761.20]

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. [HWRR, Chapter 12, Section 10(a)(ix); 40 CFR Part 761.20]

III. Used Oil Burning

How can I determine whether on-spec or off-spec 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.

What are the requirements if you burn used oil onsite in a space heater?

You are allowed to burn your own used oil (the used oil generated by your own business) and household do-it-yourselfers (DIY) in your own space heater provided the space heater is vented to the outside and has a capacity of not more than 0.5 million Btu/hr. If you meet these requirements, you do not have to determine whether the used oil meets the specification. However, any unit that exceeds the Btu capacity is considered a nonindustrial boiler and you are not allowed to burn off-spec used oil in the unit.

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

If you burn other business used oil and you are the first person to make the specification determination for the used oil or you direct a shipment of off-spec used oil from your facility to a used oil burner, you are defined as a used oil marketer and must comply with the following marketer requirements:

- 1) Obtain a State/EPA ID#;
- 2) Ensure that off-spec used oil is shipped only to used oil burners that have a State/EPA ID# and they plan to combust the oil in a burner that meets the definition of a boiler or industrial furnace, utility boiler, or hazardous waste incinerator;
- 3) Obtain a certification of compliance from the burner prior to the first off-spec used oil shipment to that party;
- 4) Maintain records of on spec used oil analysis and shipments of on spec and off-spec used oil (only shipments to the initial facility).

If there is test data or adequate process knowledge to demonstrate the other business used oil meets the specification (on spec), then you are allowed to burn the used oil as fuel product and are exempt from all other HWRR used oil requirements provided these three (3) requirements are met:

- a) Have documentation to verify the used oil spec has been met and retain the document for three years;
- b) Have a State/EPA ID#; and
- c) Maintain a record of any shipment of the on-spec used oil to used oil burners.

IV. Used Oil Transportation

Do I need any permits to transport my used oil?

You may transport your own used oil 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.

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 12, Section 13):

- 1) You must deliver the used oil to one of the following entities: another used oil transporter having an EPA ID#; a used oil processing facility having an EPA ID#; an of spec used oil burner having an EPA ID#; or an on spec used oil burner (i.e., any burner unit that burns only on spec used oil).
- 2) The used oil tank or unit the used oil is being stored in must be labeled "Used Oil"
- 3) 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>

- 4) 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

- 5) Either you or the used oil generator must make the determination whether the used oil meets the specification. This can be done by analyzing the used oil picked up for certain

specified parameters or by using process knowledge. (Please contact the department if this requirement is applicable and you need to know more about this requirement)

6) You must comply with the Wyoming DEQ spill reporting and spill cleanup requirements and the used oil spill requirements listed under VI.

7) 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. (please contact the department if this applicable and you need to know more about the requirement)

V. Mixing Used Oil & Hazardous Waste

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

You are allowed to mix ignitable-only hazardous waste 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.

VI. Used Oil Spills/Releases

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

You are required to stop the spill/release, contain the spill/release, repair or replace any leaking containers or units before returning them to storage service, and clean up and properly manage the released used oil and other materials.