



Used Oil Generator Guidance

Applicability: Requirements of 40 CFR 279 Subpart C, adopted by reference at 15A NCAC 13A .0118(c), apply to Generators of Used Oil.

A Used Oil Generator is any person, by site, whose act or process produces used oil or whose act first cause used oil to become subject to regulation.

Regulation Citation (40 CFR)	Regulation Summary	In Compliance?		
		Yes	No	N/A
279.20(a)	<p>Applicability - The following are not subject to the Used Oil Generator rules:</p> <ul style="list-style-type: none"> - Household "do-it-yourselfer"; - Vessels at sea or at port (the used oil is generated when it is transported ashore); - Mixtures of used oil and diesel fuel mixed by the generator for use in the generator's own vehicles (prior to mixing, the used oil is subject to the used oil generator rules); - Farmers who generate an average of 25 gallons per month or less of used oil from vehicles or machinery used on a farm. 			
279.20(b)	<p>Allowed Activities – A Used Oil Generator may conduct the following activities:</p> <ul style="list-style-type: none"> - Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator; - Separating used oil from wastewater generated on-site to make wastewater acceptable for discharge/reuse in accordance with a Clean Water Act permit; - Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation; - Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil to remove excessive oil to the extent possible in accordance with 279.10(c); - Filtering, separating or otherwise reconditioning used oil before burning in a space heater in accordance with 279.23. 			
279.21 reference to 279.10(b)	<p>Hazardous Waste Mixing - hazardous waste should not intentionally be mixed with used oil (unless the facility is a VSQG). In the event it is mixed, 279.10(b) applies to the mixtures (more info below).</p>			
279.21 reference to 279.10(b)(1)	<p>Mixed with Listed Hazardous Waste - If used oil has been mixed with listed hazardous waste, the mixture is regulated as a hazardous waste. If the listed hazardous waste is listed solely for the characteristic of ignitability, corrosivity, reactivity or toxicity and the mixture no longer exhibits that characteristic then the mixture is regulated as a used oil.</p>			
279.21 reference to 279.10(b)(2)	<p>Mixed with Characteristic Hazardous Waste - If a used oil has been mixed with a characteristic hazardous waste, the mixture is a hazardous waste if the mixture still exhibits the characteristic. If the mixture does not exhibit the characteristic, the mixture is regulated as a used oil.</p>			

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279.21(b) reference to 279.10(b)(1)(ii)	<p>Rebuttable Presumption – used oil that contains more than 1,000 ppm halogens is presumed to have been mixed with halogenated hazardous waste. Persons may rebut this presumption by demonstrating the used oil does not contain hazardous waste (for example, by showing the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261 Appendix VIII). The rebuttable presumption does not apply to:</p> <ul style="list-style-type: none"> - Metalworking oil/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement to reclaim metalworking oils/fluids. (The presumption does apply to these if they are recycled in any other manner or disposed.) - Used oil contaminated with CFCs removed from refrigeration units where the CFCs are destined for reclamation. (The presumption does apply to used oil contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units). 			
279.21 reference to 279.10(b)(3)	Mixed with VSQG Hazardous Waste - Mixtures of used oil and very small quantity generator hazardous waste regulated under 40 CFR 262.14 are subject to regulation as used oil.			
279.22	Used Oil Storage			
279.22(a)	Storage Units: Used oil may only be stored in containers, tanks and other unit subject to regulation under 40 CFR 264 and 265.			
279.22(b)	Condition of Storage Units: Containers and above ground tanks used to store and process used oil must be in good condition (no severe rusting, apparent structural defects or deterioration) and must not be leaking.			
279.22(c)	<p>Labels:</p> <ul style="list-style-type: none"> - Containers and aboveground tanks used to store or process used oil must be labeled or clearly marked with the words "Used Oil" - Fill pipes used to transfer used oil into underground storage tanks must be labeled or marked clearly with the words "Used Oil" 			
279.22(d)	<p>Response to Releases: The facility must respond to releases of used oil to the environment by doing the following:</p> <ul style="list-style-type: none"> - Stop the release of used oil, - Contain the released used oil, - Clean up and manage properly the released used oil and other materials, and - If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service. 			
279.23	On-Site Burning In Space Heaters: Used oil generators may burn used oil in used oil-fired space heaters provides that:			
	The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators.			
	The heater is designed to have a maximum capacity of not more than 0.5 million BTU per hour, and			
	The combustion gases from the heater are vented to the ambient air.			

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		Yes	No	N/A
279.24	Off-Site Shipments – Used oil generators must ensure that their used oil is transported by one of the following:			
	Used oil generators must ensure that their used oil is transported by a used oil transporter with an EPA ID number.			
	Used oil generators may self-transport (without an EPA ID number) used oil generated at the generator’s site and used oil collected from household do-it-yourselfers to a used oil collection center or to an aggregation point owned by the generator provided that: <ul style="list-style-type: none"> - The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator; - The used oil generator transports no more than 55-gallons of used oil at a time; and - The generator transports the used oil to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil. 			
	Used oil generators may arrange for used oil to be transported by a transporter without an EPA ID number if the used oil is reclaimed under a contractual agreement to which reclaimed oil is returned by the processor/re-refiner for use as a lubricant, cutting oil, or coolant. And the conditions of 40 CFR 279.24(c) are met.			

Additional Management Requirements that may apply to oil generators:

- All applicable Spill Prevention, Control and Countermeasures (SPCC) (40 CFR 112)
- Underground Storage Tank (UST) (40 CFR 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste

Specifics on any item marked "No" or "N/A": _____
