




# Recycling Used Oil in New Jersey

Sondra Flite,  
Principal Environmental Specialist  
NJ Department of Environmental  
Protection

[www.state.nj.us/dep/dshw](http://www.state.nj.us/dep/dshw)

# Topics:

- Where are the used oil regs?
- What's a used oil and what isn't?
- How about mixtures of oil and HW?
- What's this rebuttable presumption that I keep hearing about?
- What are the used oil specs good for?
- What are my responsibilities as a generator?
- Can I burn oil in my shop?
- Can I move and consolidate my oil?
- What are the other categories of handler?
- FAQs



## Feel like you're reading a foreign language?

Used oil is regulated at 40 CFR 279 and NJAC 7:26A-6. Generators should read NJAC 7:26A-6.1-6.5.

Get a free non-judicial copy from DEP,

Or consultant copies, often affordable and conveniently bound,

Or the official copy, with case law notes, from Westlaw, at 1-800-808-9378.

Designed to recycle oils outside the HW program.

UO is Class D Recyclable Mat'l; lesser requirements.

Used oil may be generated during:

lube oil changes, cutting oil changes,

hydraulic oil "", cleanups,

compressor oil "" . inventory cleanout.

Unlike UW, UO is not presumed to be HW. It is presumed to be destined for recycling unless or until someone disposes of it or ships to disposal. It doesn't count toward your HW totals.

# It can be unused!

- USEPA says it's any oil refined from crude oil or any synthetic oil that has been used and, a result of such use, is contaminated.
- We add that it may also be unused oil that is contaminated, or that is determined to be a solid waste by the generator.
- That means you can include oil that you simply don't intend to use.

# NJAC 7:26A-6.1 Applicability

The Applicability section tells you what we want to regulate, and what we want to leave out:

## What's in?

- Refined, Coal, Shale, Polymers. Not Corn.
- Used oil mixed with CESQG waste.
- Used oil mixed with products (fuel).
- Any oil you drain off solids.
- The solids themselves, unless you drain them (rags, filters).
- Oil that is only a D waste.

- What's out?
- Drained materials (filters): Solid waste or scrap metal.
  - Wastewater w/ minimal oil; see clean water act (and your POTW).
  - PCBs oils: see 40 C.F.R. 761.20(e).
  - Anything you dispose of: solid or HW.

And these products:

- Reclaimed materials (re-refined),
- Re-refining bottoms used in asphalt,
- Your diesel crankcase oil and diesel fuel mixed on site to 5% for your own vehicles.

All are Product!

## Not bad so far, but read on:

- An oil that shows a D-list contaminant after use is still a used oil. 😊
- Oil mixed with a "listed" waste (at 261.31, 32, 33, 38) is a HW (for instance, U228). ☹️
- But oil mixed with a "D" (characteristic) waste, so that the resultant mix doesn't exhibit any characteristic, is still used oil. 😊
- *And if that waste was only D001, and the resultant mix is not D001 but fails for *another* characteristic, it's still a used oil.* 😊

(USEPA allows ignitables (mineral spirits) back into fuel blending.)

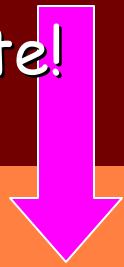
- Used oil mixed with CESQG waste is Used Oil.



# The dreaded rebuttable presumption!

(To keep you from mixing non-oils into used oil.)

- Oil with 1,000+ ppm total halogens is *presumed* to be adulterated with a HW solvent.
- You can rebut this presumption with a SW-846 test and knowledge of origin (Chlorinated paraffins, salt water!)
- Oil moved under tolling agreements are exempt.
- CFCs ⇨ reclamation are exempt. Keep them separate!



H																			He
Li	Be											B	C	N	O	F			Ne
Na	Mg											Al	Si	P	S	Cl			Ar
K	Ca	Sc	Ti	V	Cr	Mn	Fe	Co	Ni	Cu	Zn	Ga	Ge	As	Se	Br			Kr
Rb	Sr	Y	Zr	Nb	Mo	Tc	Ru	Rh	Pd	Ag	Cd	In	Sn	Sb	Te	I			Xe
Cs	Ba		Hf	Ta	W	Re	Os	Ir	Pt	Au	Hg	Tl	Pb	Bi	Po	At			Rn

## NJAC 7:26A-6.2 Used Oil Specifications.

Arsenic ..... $\leq 5$  ppm

Lead ..... $\leq 100$  ppm

Cadmium..... $\leq 2$  ppm

Flash point.. $\geq 100^{\circ}\text{F}$

Chromium... $\leq 10$  ppm

Halogens... $\leq 1,000$  ppm

Used Oil almost always has enough contamination to make it unsafe for use as fuel in homes and businesses. It is recycled into industrial fuel or re-refined. If you can prove it meets specs, you may market it and use it anywhere. It is considered a product.

## 7:26A-6.3 Prohibitions



- Surface impoundments or waste piles,
- Use for dust suppression,
- Burning off-spec oil in commercial boilers
- Burning on-spec oil in a home/institution/unapproved space heater.

## 7:26A-6.4 Generators:

### 6.4(a) Who are they?

- They: remove oil from machinery, decide to discard, spill accidentally. A site is a generator.
- DIYs, Diesel crankcase blenders, Farmers who generate <25g/mo. are exempt.

### 6.4(b) What's not allowed?

- Transporting other people's oil
- Refining or burning or marketing to others
- Disposing

### 6.4 (c) Liability

- You're responsible for contamination in the oil you ship off site.

## 7:26A-6.4(d)1 Cross-references

- SPCC requirements, N.J.A.C. 7:1E,
- Federal Clean Air Act, and NJAC 7:27,
- UST requirements of N.J.A.C. 7:14B



## 7:26A-6.4(d)2-5 Storage

- Use RCRA quality storage units,
- Check your tanks for leaks & rust,
- Label tanks and fill pipes "used oil".
- Upon detection of release:
  - Stop the release;
  - Contain the released oil;
  - Properly manage oil and other materials; and
  - Repair or replace containers .



# What the heck does 7:26A-6.4(d)5 mean?

- Call the hotline as soon as possible:
  - Tell them what happened.
  - Tell them where you are.
  - Ask what time they are recording the incident, for your records, and
  - To whom you are speaking.
- Clean it up or call a contractor. Don't wait for emergency responders. They may join you there.
- Make repairs if needed.
- Keep a record of what you did.
- Send us the generator copy of the manifest, if any.



How much may I keep on site, and how long may I keep it?



As much as you like, for as long as you like. But don't keep more than you can contain.





7:26A- 6.4(e)

## Boilers



Don't just add it to your old boiler!

Register with DEP's Div. of Air Quality,

- Obtain proper space heater:
- Total heat input of all heaters must not exceed 500,000 BTU/hr (about 3.5 gallons per hour),
- Only your used oil may be burned,
- an annual tune-up must be conducted.

This is for shops, not homes or institutions.

## 6.4(f) Choosing a Transporter

- Use a transporter with an EPA ID #.  
*Practically speaking, you use HW haulers.*
- Carry 55 gallons of your own, without EPA ID #, in your vehicle, to collector or aggregation point that you operate.
- Tolling transporter needs no EPA ID #.

• Enter a contract to avoid market volatility.

• Take and keep samples from each load.

# NJAC 7:26A-6.5 Collection and Aggregation: Taking DIY oil and combining loads.

- Collection centers accept & store. They may accept DIY oil. They are usually county agencies.
  - They must meet generator requirements, register, posts a sign: USED OIL COLLECTION CENTER RECYCLE YOUR USED MOTOR OIL HERE Plus any limit and fee.
- Aggregation points bulk one owner's oil (and DIY, of course).
  - They must meet generator requirements.
  - You may move up to 55 g. in your own trucks.
- You may be required by law to be a collection center!



## ■ State law says:

- retail service stations w/ UO tanks & reinspection stations permitted by DMV
- shall take DIY oil,
- shall post an 11x15" sign,
- but may reject tainted oil, and
- may set a 2 gallons limit, and
- may charge a fee to cover costs.



## ■ State law also says:

- DIYs must deliver it pure, during business hours.
- Marketers must advertise that oil is recyclable.

## ■ We advise:

- Visually inspect it, place it in the tank yourself
- Download our guide to collecting used oil.

# Who are the other handlers?

## How do they differ from generators?



- 7:26A-6.8 Burners
  - Heavy industry
  - Fuel tracking
- 7:26A-6.9 Marketers
  - Must do analysis
  - recordkeeping

- 7:26A-6.6 Transporters and Transfer stations

- A-901 & registration
- 35 day limit.

- 7:26A-6.7 Processors

- Preparedness and prevention
- Permits
- Closure plans



# NJAC 7:26A-6.10 Dust Suppression

Don't even think of using the oil for dust suppression on roads. Used oil isn't a substitute for pavement.



# FAQs from the Regulated Community

- **Non-terne plated filters** are exempted if you hot-drain after crushing, dismantling, or puncturing the anti-drain back valve or the dome. (12 Hrs at 68°F).
- Generators do not need to keep **records of shipments**. But protect yourself by keeping copies. Your hauler keeps copies for 3 years.
- **Parts washer fluid** isn't used oil. It's solvent. You need to classify as HW or "ID 72". You may test or use process knowledge.  
**Ask for help if you need it!**
- How can I easily get a big fat fine?
  - Mislabeled your tanks and fill pipes "HW", "Waste oil", or nothing.
  - Leave big spill marks around fill pipes.
  - Put brake cleaner in your oil.
  - Run an illegal space heater.

# Still Feel Nervous?

Your handout lists contact numbers,  
and the enforcement website.

[www.state.nj.us/dep/dshw](http://www.state.nj.us/dep/dshw)

[www.state.nj.us/dep/enforcement/ca-intro.html](http://www.state.nj.us/dep/enforcement/ca-intro.html)