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# USED OIL MANAGEMENT

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Delaware Department of Natural Resources and Environmental Control,  
Solid & Hazardous Waste Management Section

## What is used oil?

Many services and industrial activities generate used oil, such as: vehicle repair shops, service stations, manufacturing and industrial plants with engines or compressors, metalworking, machine lubrication, and hydraulic equipment repair. Used oil is any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities.

## Who is a used oil generator?

A used oil generator is any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation. This can include businesses, governments, schools, and equipment maintenance facilities. However, the regulations in this fact sheet do not apply to household “do-it-yourselfers” or to farmers who generate an average of  $\leq 25$  gallons per month of used oil from vehicles or machinery used on the farm in a calendar year. DNREC recommends that household “do-it-yourselfers” and small farmers store used oil in closed containers in good condition, label the containers with the words “Used Oil,” and take their used oil to a used oil collection center. Visit [www.dswa.com](http://www.dswa.com) to find a collection center.

## Environmental Concerns

It is important to manage used oil to prevent potential pollution of the air, land, surface water and groundwater. Used oil often contains hazardous contaminants, such as flammable fuels, lead, and other toxic metals. In addition, used oil can contain cancer-causing agents. Contamination into the groundwater supply can result in serious human health hazards.

## Used Oil Storage

Used oil must be stored in tanks or containers that are in good condition (no severe rusting, structural defects or deterioration) and not leaking. The tanks or containers must be closed during storage, except to add or remove oil.

## Labeling

Containers and aboveground tanks that store used oil must be labeled or marked clearly with the words “Used Oil.” Fill pipes that transfer used oil into underground tanks must be labeled or marked clearly with the words “Used Oil.”

## Spills or Releases

Upon the detection of a release of used oil to the environment, the generator must immediately:

- Stop the release;
- Contain the released used oil;
- Clean up and manage properly the released used oil and other materials and wastes; and
- If necessary, repair and replace any leaking used oil storage containers or tanks before returning them to service.

## Wastewaters Contaminated with Used Oil

Wastewaters contaminated with *de minimis* quantities of used oil (small spills, leaks, or drippings during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations) are not subject to the used oil regulations.

## Materials Containing or Contaminated with Used Oil

If the used oil has been drained or removed from the material so that no visible signs of free-flowing oil remain, then such material is not used oil and thus not subject to the used oil regulations (however, it is subject to the solid waste regulations and may additionally also be subject to hazardous waste regulations). The drained or removed used oil from the material is subject to used oil regulations. Additionally, if the material is burned for energy recovery, then such materials are subject to the used oil regulations.

### **Mixed Product with Used Oil**

Mixtures of used oil and fuels or fuel products are subject to the used oil regulations. Exception: mixtures of used oil and diesel fuel mixed on-site by the generator for use in the generator's own vehicles.

### **Mixed Waste with Used Oil**

Mixing waste with used oil can degrade its recyclability and may result in higher management costs for the generator. If used oil is mixed with a listed hazardous waste, the resulting waste is subject to hazardous waste regulations.

Mixing used oil with a characteristic hazardous waste (ignitable, corrosive, reactive, or toxic) is prohibited. Incidental mixtures are subject to hazardous waste regulations. There is no exception allowing conditionally exempt small quantity generators to mix used oil and hazardous waste.

### **Materials Derived from Used Oil**

A generator may reclaim materials from used oil; for example, re-refined lubricants. These reclaimed materials that are used beneficially are not considered used oil and not subject to the used oil regulations (nor to the hazardous or solid waste regulations because they are not a waste). Second, a generator may also burn used oil for energy recovery (used oil fuels). This used oil is subject to the used oil regulations. Finally, a generator may also derive materials from used oil that are disposed. These materials are not considered used oil and not subject to the used oil regulations. However, the materials are solid waste and may also be hazardous waste. Because of this, it is likely that even more stringent regulations apply.

### **Burning Used Oil in On-site Space Heaters**

Generators may burn used oil in on-site space heaters provided that: the heater only burns used oil that the owner or operator generates or has received from household "do-it-yourself" generators; the heater has a maximum capacity of not more than 0.5 million BTUs per hour; and the combustion gases from the heater are vented to the ambient air. An air permit may be required; contact DNREC's Division of Air Quality for more information.

### **Transporting Used Oil**

Used oil generators shipping more than 55 gallons of used oil at a time must use a transporter who has an EPA identification number and a Delaware Hazardous Waste Transporter Permit.

Generators may self-transport their used oil without an EPA identification number and a Delaware

Hazardous Waste Transporter Permit to a collection center or an aggregation point if:

- The used oil is transported in a vehicle owned by the generator or an employee of the generator;
- The generator transports no more than 55 gallons of used oil at any one time;
- The generator transports the used oil to a used oil collection center that is authorized by the state to manage used oil, or to an aggregation point that is owned and/or operated by the same generator; and
- The generator maintains on-site a written record of all shipments of used oil for three years (not required for aggregation point transports).

### **Rebuttable Presumption for Used Oil**

State and federal regulations presume that used oil containing more than 1,000 parts per million of total halogens has been mixed with listed hazardous waste and therefore must be managed as hazardous waste. This presumption can be rebutted by showing that the used oil does not contain hazardous waste, for example, by use of an analytical test.

The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins if they are processed to reclaim the metalworking oils or fluids. The presumption will apply if the used oil is recycled in any other manner or disposed.

The presumption will not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The presumption will apply to used oils contaminated with CFCs if mixed with used oil from sources other than refrigeration units.

### **More Information**

State used oil regulations are in Title 7, Part 279 of Delaware's *Regulations Governing Hazardous Waste*.

<http://regulations.delaware.gov/AdminCode/title7/1000/1300/1302/279.shtml#TopOfPage>

For more assistance, contact DNREC, Solid and Hazardous Waste Management Section at 302-739-9403 or Karen J'Anthony, Program Manager, at [karen.janthony@state.de.us](mailto:karen.janthony@state.de.us)