



# Recycling Used Oil in New Jersey


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

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# Topics:

- Where are the used oil regs?
- What's a used oil and what isn't?
- What are the rules on mixtures?
- 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 bulk my oil?
- What If I want to do more than just generate?
- 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,  
[www.nj.gov/dep/dshw/resource/rules.html](http://www.nj.gov/dep/dshw/resource/rules.html)

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 leave oil outside HW program.

UO is not presumed to be HW.

It is presumed to be destined for recycling until you dispose of it or ship it to disposal. It doesn't count toward your HW totals.

It may be:

cutting oil,  
hydraulic oil,  
compressor oil.

Generated during:

lube oil changes,  
cleanups,  
inventory cleanout.



New Jersey classifies UO as Class D Recyclable Material; lesser requirements than HW.

# It can be unused!

USEPA says it's any oil that has been used and, as a result of such use, is contaminated.

NJDEP adds 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

This tells you what we want to regulate, and what we want to leave out:

## What's in?

- Refined, Coal, Shale, Polymers (Synthetics).
- Used oil mixed with CESQG waste. **Not best practice!**
- Used oil mixed with products (fuel).
- Any oil you drain off solids.
- The solids themselves, if they contain "free flowing oil" (rags, filters).
- Oil that is only a D waste.

**Applicability is the worst!**

## What's out?

- Drained materials (filters): Solid waste or scrap metal. **Recycling is best practice.**
- 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 oil),
- 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!

## And...

- Corn oil! It moves to recycling as a product.



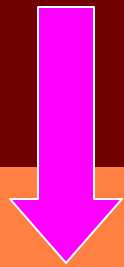
## Not bad so far, but read on:

- D Characteristic Oil is a used oil. (Crankcase oil with lead) 😊
- Oil mixed with a listed waste (261.31, 32, 33, 38) is a **HW** (for instance, U228). (Solvents) 😞
- But "D" oil mixed with "D" HW, so that the resultant mix doesn't exhibit any characteristic, is still used oil. 😊
- Non-"D" code used oil mixed with "D" HW so that the resultant mix doesn't exhibit any characteristic is still used oil. 😊 **Check with your destination facility!**
- *And if "D" code oil is mixed with D001-only waste, and the resultant mix is not D001 but fails for *another* characteristic, it's still a used oil. 😊* (This allows ignitables (mineral spirits) back into fuel blending.)
- Used oil mixed with CESQG waste is Used Oil. **Check first!**  
**Best practice is not to mix!**

# The dreaded rebuttable presumption!

(To keep you from mixing HW solvents with used oil.)

- 1,000+ ppm total halogens *presumed* to be adulterated.
- You can rebut this presumption with testing or knowledge of origin (MSDSs) (Chlorinated paraffins, CESQG waste (*not best practice*), salt water!) *May raise your costs.*
- Cutting oil moved by tolling agreements is exempt.
- CFCs ⇨ reclamation are exempt.



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 Fuel Specification

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\*

\*USEPA allows  
4000ppm.

If you can prove your used oil meets specs, it may be sold as product, for any fuel purpose. But you can't.

Don't confuse this with the Rebuttable Presumption!  
Pretend you never saw it.

## 7:26A-6.3 Prohibitions

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

Oil is not asphalt!



# 7:26A-6.4 Generators:

## 6.4(a) Who are they?

They are sites, not people that:

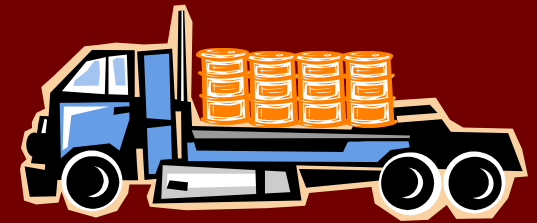
- Remove oil,
- Ship it to disposal or recycling,
- Spill it.

They are not:

- DIYs,
- Diesel Crankcase blenders,
- Farmers, <25g/mo.

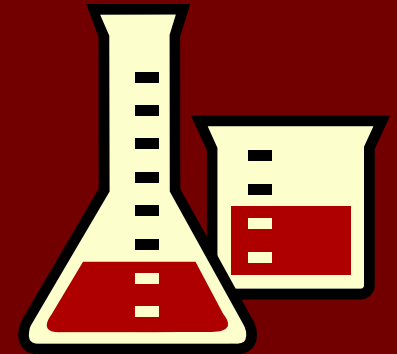
## 6.4(b) What's not allowed?

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



## 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



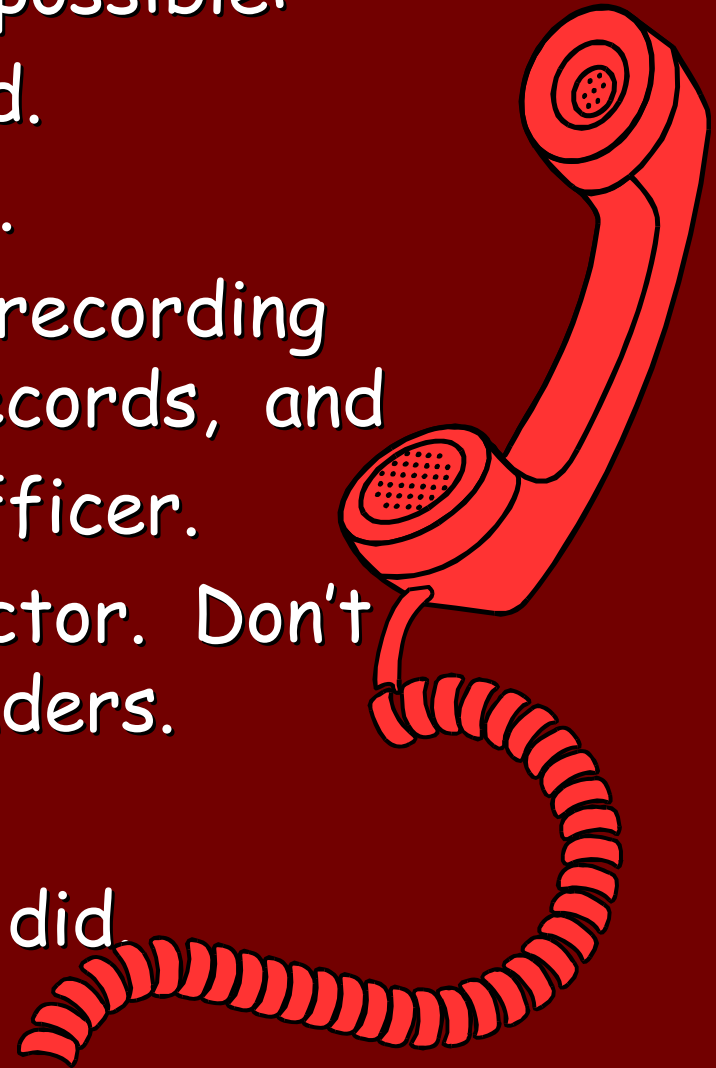
## 7:26A-6.4(d)2-5 Storage

- Drums or Tanks in good condition
- Check 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 .



# In practical terms:

- 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
  - The name of the duty officer.
- Clean it up or call a contractor. Don't wait for emergency responders.
- Make repairs if needed.
- Keep a record of what you did



How much may I keep on site? How long may I keep it?

As much as you like, for as long as you like. But ...



SPCC Plan needed at 1320g.

DPCC Plan needed at 200,000g.



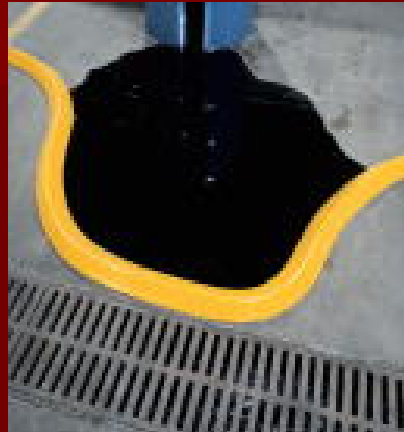
# Secondary Containment

We recommend it.



Spills that remain inside the containment are not *releases*. Don't call us.

# Absorbent materials



Put them where your staff can get at them.



7:26A- 6.4(e)

Burning used oil in space heaters without permits.

Don't add it to your old boiler!

- Our rules exceed USEPA's.
- Read them at NJAC 7:27. Visit [www.state.nj.us/dep/aqpp](http://www.state.nj.us/dep/aqpp) .
- Some generators only need a registration.
- Others get a custom permit.

Call the Air Quality Program, at 609-984-3019 about permitting options.



## 6.4(f) Choosing a Transporter

- Must have EPA ID #. Probably a HW hauler.
- Carry 55 g of your own, without EPA ID #, in your vehicle, to collector or aggregation point that you operate. **Don't placard.**
- Tolling transporter needs no EPA ID #.
- You may choose to keep samples of each load to protect yourself.
- Contracts are optional.
- Try to get paid.
- **Keep bills of lading!**



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

- Collection centers accept & store. They may accept DIY oil. Most are county agencies.
  - Must register and post 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).
  - Must meet generator requirements.
  - 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
  - Industrial boilers (not commercial boilers)
  - Fuel tracking
- 7:26A-6.9 Marketers (if they exist)
  - 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



# 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).
- **Parts washer fluid** isn't used oil. It's solvent. You need to classify as HW or "ID 72". You may test or read the label.
- 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.

**Ask for a courtesy visit!**

# Still Feel Nervous?

Ask your friendly regional inspector for a courtesy visit.



[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)