

Fact Sheet
April 2003

Used Oil and Oil Filter Management



Public and Business Liaison Fact Sheets

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



INTRODUCTION

This fact sheet provides an overview of requirements for managing used oil and used oil filters in California. These requirements primarily apply to non-household generators of used oil filters, such as businesses and used oil collection centers. If you are a business that generates used oil, oil filters or other hazardous waste, you should consult with your Certified Unified Program Agency (CUPA). If you are a “Do-It-Yourselfer” or hobbyist that generates these or other hazardous wastes, call your county [environmental health department](#) to find out about your local used oil and household hazardous waste program. For a complete legal description of requirements specific to used oil, consult California Health and Safety Code, chapter 6.5, division 20, article 13 (commencing with section 25250), and California Code of Regulations title 22, division 4.5, including chapter 29 (used oil) (commencing with section 66279.1) and section 66266.130 (used oil filters). See the DTSC publication on [Generator Requirements](#) for general hazardous waste management guidance. Finally, DTSC strongly encourages all businesses generating hazardous waste to consider waste minimization, source reduction and pollution prevention.

MANAGEMENT OF USED OIL

Legal Definition of Used Oil

“Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of use or as a consequence of extended storage, or spillage, has been contaminated with physical or chemical impurities”. (Health and Safe. Code § [25250.1](#))

Used oil includes, but is not limited to, the following:

Used motor oils:

- Vehicle crankcase oils
- Engine lubricating oils
- Transmission fluids
- Gearbox and differential oils

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.dtsc.ca.gov.

Used industrial oils:

Hydraulic oils
Compressor oils
Turbine oils
Bearing oils
Gear oils
Transformer (dielectric) oils
Refrigeration oils
Metalworking oils
Railroad oils

Used oil does NOT include:

Antifreeze
Brake fluid
Other automotive wastes
Fuels (gasoline, diesel, kerosene, etc.)
Grease
Solvents
Substances which are not oils
Oils with a flashpoint below 100°F
Oils containing more than 1,000 parts per million (ppm) total halogens unless the rebuttable presumption is rebutted
Oils mixed with hazardous waste
Wastewater containing small amounts of used oil
Oils containing 5 ppm polychlorinated biphenyls (PCBs) or greater
Oily wastes that are not used oil
Oily wastewaters that are not used oil
Tank bottoms
Used oil processing bottoms
Used oil re-refining distillation bottoms

Cooking oils (edible)

Note: Non-petroleum derived edible oils that exhibit hazardous characteristics are hazardous wastes, but are not technically regulated as “used oil”.

Managing Used Oil

Health and Safety Code section 25250.4 requires used oil generators to manage used oil as a hazardous waste in California unless it qualifies for a recycling exclusion under Health and Safety Code section [25143.2](#) or is shown to meet the specifications for recycled oil in Health and Safety Code section [25250.1\(b\)](#). In most instances, this means that the generator will contract with a registered hazardous waste transporter to have the used oil picked up within the appropriate accumulation period. The accumulation period is 90 days for generators of 2200 lbs. of hazardous waste per month or more (large quantity generators) or 180 days for generators of less than 2200 lbs. per month (small quantity generators). Small quantity generators may accumulate for up to 270 days if the oil is sent to a used oil facility that is more than 200 miles away. (Cal. Code Regs., title 22, § [66262.34](#).) See the DTSC publication “[Generator Requirements](#).” The transporter must take the oil to an authorized used oil storage or treatment facility. Used oil storage and treatment facilities can include permitted transfer facilities, permitted storage terminals, and used oil recycling operations that process the used oil into recycled oil, fuel oil, or new lubricants.

Mixing of hazardous waste, including household hazardous waste, with used oil is prohibited. Examples of hazardous wastes that are prohibited are solvents, antifreeze and fuels. The law allows “minimal amounts of vehicle fuel” to be mixed with used oil,

like that which might occur during vehicle service.

Used Oil Generator Requirements

Persons or businesses generating used oil are required to meet all used oil generator requirements. Used oil collection centers must meet the same requirements. (Cal Code Regs., title 22, §§ [66279.20](#) and [66269.21](#).) Householders who change their own oil (do-it-yourselfers) are not regulated as used oil generators. However, they must manage their used oil appropriately by taking it to a used oil collection center and never disposing of it to land, water, or storm drains. Some communities have a curbside used oil pickup program for residents; check with your [local solid waste or environmental health agency](#) to find out. Householders are allowed to transport their own used oil to a used oil collection center or to a used oil recycling facility if specified conditions are met. These conditions are described in this fact sheet under the section “[Transporting Used Oil](#)” and in Health and Safety Code section [25250.11](#). Some communities have a curbside used oil pickup program for residents; check with your [local solid waste or environmental health agency](#) to see if it offered in your area.

A state EPA Identification Number is required for each site where used oil is accumulated or stored, if the site does not already have a federal or state EPA ID number. A generator who accumulates used oil at two places in the same site needs only one EPA Identification Number. See the Duty Officer Fact sheet “[EPA Identification Numbers](#)”.

Tanks and containers that are used for the accumulation of used oil must be kept in good condition. Tanks must be made of

non-earthen, non-absorbing, rust-resistant material such as steel or oil-resistant plastic, and have adequate structural support to contain the used oil. There must be no severe rusting, no apparent structural defects or deterioration, and no leaking. All containers must have tight-fitting lids that are kept closed except when used oil is being added or removed. If a funnel is used in the bung hole of a container, it must either be removed when the container is not being added to (and the container closed), or be equipped with a valve or cover of some sort to prevent leakage if the drum should be turned over. Generators must regularly inspect and maintain all storage tanks and containers, and repair or replace them as necessary. Definitions of container and tank are given in California Code of Regulations, title 22, section [66260.10](#); the references to general tank and container management requirements are found in California Code of Regulations, title 22, section [66262.34 subsection \(a\)\(1\)](#).

Secondary containment is required for storage tanks. This is a backup containment system designed to prevent the release and migration of wastes or accumulated liquids from a storage tank or a storage tank system. Examples of secondary containment systems include an impervious bermed area or liner, a vault, or a double-walled tank.

Labeling Used Oil

Above-ground storage tanks and containers accumulating used oil, and fill pipes used to transfer used oil into underground storage tanks must be labeled with the words “USED OIL”, “HAZARDOUS WASTE”, and the initial date of accumulation. In addition, containers must be labeled with the name and address of the generator. (Cal. Code Regs., title 22, § [66262.34 subsection \(f\)](#)) For shipping, containers must also be labeled as follows:

HAZARDOUS WASTE - State and Federal Law Prohibit Improper Disposal.

If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Health Services.

- Generator's name and address
- Proper Department of Transportation (DOT) shipping name
- Uniform Hazardous Waste Manifest number and the shipping identification number

The Rebuttable Presumption
(Health and Safe. Code, §
[25250.1, subdivision \(a\)\(1\)\(B\)\(v\)](#) and
Cal. Code of Regs., title 22, §
[66279.10](#))

Used oil handlers, including generators, used oil collection centers, transporters, transfer facilities and used oil recycling facilities) are required to determine whether the total halogen content of each used oil shipment exceeds 1,000 ppm. Spent halogenated solvents, such as TCE and PCE, are federally regulated wastes. The law *presumes* that used oil containing more than 1,000 ppm total halogens has been mixed with halogenated hazardous waste and requires that it be managed as a federal Resource Conservation and Recovery Act (RCRA) hazardous waste unless the generator can demonstrate that such mixing has not occurred (i.e., unless the presumption is rebutted). This is called the “rebuttable presumption.”

If a generator, transporter or used oil collection center chooses to rebut the presumption, it must be done in accordance with criteria specified in California Code of Regulations, title 22 sections [66279.10, subsection\(a\)\(1\)\(B\)](#) for generators [66279.10, subsection \(a\)\(3\)\(B\)](#) for

transporters, and [66279.10, subsection \(a\)\(6\)](#) for used oil collection centers.

Used oil transfer facilities and used oil recycling facilities are required to test each shipment of used oil for total halogens before accepting the shipment. See California Code of Regulations, title 22, section [66279.10 subsection \(a\)\(4\) & \(a\)\(5\)](#).

In order to rebut the presumption that the used oil shipment was mixed with RCRA hazardous waste, the used oil handler must demonstrate that the oil was not mixed with halogenated hazardous waste. Where the rebuttal is successful, the oil is regulated as “used oil” rather than RCRA hazardous waste. The presumption is deemed rebutted for the following three types of used oils where specified conditions are met (Cal. Code Regs., title 22, § [66279.10, subdivision \(b\)](#)):

- (1) metalworking oils or fluids containing chlorinated paraffins,
- (2) refrigeration oils contaminated with chlorofluorocarbons, and
- (3) used oil which is exclusively household “do-it-yourselfer” used oil or used oil from a conditionally exempt small quantity generator. (A conditionally exempt small quantity generator generates no more than 100 kilograms of RCRA hazardous waste in a month and does not accumulate more than 1,000 kilograms of hazardous waste onsite at any time. (40 C.F.R. § [261.5](#)).

Transporting Used Oil

In general, California law requires that a registered hazardous waste transporter transport used oil. However, householders and other generators of used oil may transport up to 20 gallons of used oil per trip to an authorized used oil collection center if the oil is carried in containers that hold 5

gallons or less and specified conditions are met. Generators of used oil may transport up to 55 gallons of oil in containers of not greater than 55-gallon capacity if they get prior permission from the used oil collection center. Authorized used oil collection centers include certified used oil collection centers ([Public Resources Code section 48622](#)), recycle-only household hazardous waste collection facilities, or collection facilities operating pursuant to Health and Safety Code section [25250.11](#). Mobile maintenance operations (see below) may also transport up to 55 gallons of used oil in any one vehicle at any one time from an off-site location to a consolidation point.

When transported by a registered hazardous waste transporter, used oil shipments must be accompanied by either a standard hazardous waste manifest or a consolidated hazardous waste manifest. (Health & Safe. Code, § 25160 & 25160.2) When using a consolidated manifest, the driver must provide the generator (at the time of used oil pickup) with a legible copy of a receipt for each quantity of used oil received. The generator must maintain these receipts for 3 years. Each receipt must contain the following information:

- Generator's name, address, EPA Identification Number, contact person and telephone number. Note: as of January 1, 2002, the exemption from EPA number requirements for small generators of used oil was rescinded. See the Fact Sheet "[EPA Identification Number](#)".
- Generator's signature or signature of generator's representative
- Date of shipment
- State manifest number (pre-printed on the manifest)
- Volume, waste code(s), waste type (under 25160.2(c), and shipping description

- Name, address and identification number of the authorized facility that will receive the used oil
- The transporter's name, address and identification number
- The driver's signature

The statute also requires the generator to provide a signed waste minimization statement. The statement certifies that the generator has established a waste minimization program to reduce the volume or quantity and toxicity of the waste as much as is economically practicable. In the case of used oil generated by routine vehicle or equipment service, the generator is not required to reduce the used oil generation. But for waste oils generated through equipment leaks or processes that could be made more efficient, the generator should have a plan to reduce the generation of the waste.

Mobile Maintenance Operations (Health and Safe Code § [25250.12](#))

Businesses that generate used oil in the performance of routine maintenance operations at off-site locations are subject to special requirements. Such businesses include off-site heavy equipment operations (e.g., construction vehicle fleets) and mobile oil-changing businesses that provide oil changes for personal and business vehicles at the customer's location. The following requirements apply:

- The business owner/operator must have a point of consolidation for the used oil
- The point of consolidation must not be at a residence or residential location
- The business must have an EPA ID number

- The business or an employee of the business must own the transport vehicle.
- The business is not required to register as a hazardous waste transporter as long as it transports no more than 55 gallons of used oil from off-site location(s) to the point of consolidation at any one time.
- The used oil is considered to be generated at the point of consolidation when it arrives at the consolidation point.
- The used oil must be handled and stored at the point of consolidation in accordance with all applicable hazardous waste laws.
- The consolidated used oil must be transported by a registered hazardous waste transporter from the point of consolidation to a permitted used oil recycling facility.

Spent Absorbents and Rags

Absorbents used to soak up miscellaneous drips and leaks of oil from machinery or devices do not fall under the definition of used oil must be managed like any other waste. The generator must characterize the waste as hazardous or non-hazardous, and manage it according to the appropriate regulations. Absorbents that have been used to soak up spills from used oil tanks and containers should be managed as hazardous wastes. Reusable fabrics, such as oily rags and coveralls, can be sent for commercial laundering. (Health and Safe. Code, § [25144.6.](#)) Reusable absorbents being sent off for recycling can be managed as allowed by California Health and Safety Code section [25143.2.](#)

Many municipal waste programs prohibit the disposal of oily waste to the municipal trash even when the wastes pass the hazardous waste tests. You must check with your local CUPA and solid waste program

to see how to manage oily wastes in your area. Household should collect their oily wastes for household hazardous waste events. If your business commonly generates spent oily absorbent, we recommend that you contact your local Pollution Prevention Program to see if there is a management method or product that can reduce your generation of waste. See the DTSC Pollution Prevention Webpage at <http://www.dtsc.ca.gov/>.

Miscellaneous

It is unlawful to dispose of used oil on land, to sewers and other water systems, or to burn used oil as a fuel or by incineration, including in space heaters, boilers and similar devices. The use of used oil as a dust suppressant (road oiling) or for insect or weed control is also prohibited by law. (Health and Safe. Code, § [25250.5.](#))

Generators of used oil who also operate used oil collection centers, such as service stations, should not mix the used oil generated in their business with the used oil from the collection center. The rebuttable presumption is not rebuttable if used oil from householders or conditionally exempt small quantity generators has been mixed with used oil from other sources.

MANAGING USED OIL FILTERS (Cal. Code Regs., title 22, § [66266.130](#))

Introduction

Used oil filters may exhibit hazardous characteristics for lead, other heavy metals and petroleum-derived compounds. This section of the fact sheet outlines the special regulations that DTSC adopted in 1991 to encourage recycling of used oil filters.

Unless they are proven to be non-hazardous by laboratory analysis, used oil filters **not** managed according to the used oil filter regulations must be managed as fully regulated hazardous waste. Improper management of used oil filters can result in significant fines and penalties. Do not dispose of used oil filters in trashcans and at non-hazardous waste landfills.

Fuel filters, including fuel dispenser and diesel fuel filters, usually exhibit hazardous waste characteristics, and may **not** be managed in the same manner as used oil filters. They may not be placed into your used oil filter drum unless you are managing your used oil filters as hazardous wastes. If fuel dispenser filters are being transported under consolidated manifesting, the transporter may place different generators' fuel filters into one container for shipment, but may not mix them with oil filters being managed according to the used oil filter regulations.

Summary of Generator Management Requirements for Used Oil Filters:

- Drain and collect the free-flowing oil from the filters and manage the collected oil under the requirements for used oil.
- Properly contain, label and store the used oil filters.
- Store them within the allowed time limits.
- Transport them under a bill of lading to an approved destination for purposes of metal reclamation.
- Keep a copy of the bill of lading for three years.

Detailed Management Requirements

Draining

Used oil filters must be drained of all free-flowing liquid. “Free-flowing” means a continuous stream of used oil from the filter when it is overturned. Used oil that flows drop-by-drop is not considered to be free-flowing. If the filter is equipped with a flapper valve or other device that blocks the drainage, that device must be opened to allow the used oil to leave freely.

Generators may puncture, crush, open, further drain or otherwise handle drained oil filters to prepare them for recycling. This treatment does not require a permit, but the generator must properly manage all used oil and other residues that result.

Containers

After the filters have been drained, generators and agencies that accept used oil filters from householders must place them in a container that can capture all of the used oil that drains from the filters. The containers of used filters must be:

- Labeled as “Drained Used Oil Filters”
- Clearly marked with the initial date of accumulation or receipt. The initial date of accumulation is the date when the first filter is placed in the container, or the date when a full or partially full container of filters is received at a second location
- Rainproof, non-leaking, closed containers
- Sealed during transfer so that used oil will not spill out when they are laid or fall on their sides.

Storage

Generators may store up to one ton of used oil filters for a period of up to one year, and storage of one ton or more of used oil filters is limited to 180 days, unless the storage facility has a hazardous waste permit authorizing longer storage.

Allowed Destinations

The only allowed destinations for used oil filters are:

- To a smelter or scrap metal processor for recycling
- To a municipal solid waste incinerator for energy recovery if the residual casings then go to a smelter or scrap metal processor for recycling
- To a storage or consolidation facility that then transfers the filters to a smelter, scrap metal processor or municipal solid waste incinerator as described above.
- To an authorized hazardous waste facility.

Transportation

- Only transport properly-drained filters
- Prevent any spillage of used oil by sealing the containers tightly before transportation
- Secure the containers in the transport vehicle to prevent movement or tipping during transportation.
- Use a bill of lading with each shipment of used oil filters, and include the following information on the bill of lading:
 - Generator's name, address, and telephone number
 - Transporter's name, address, and telephone number
 - Name, address and telephone number of the receiving facility.
 - Quantity and size of the containers in the shipment

- Date of transportation
- A copy of each bill of lading must be maintained by the transporter, generator and receiving facility for 3 years.

USEFUL CONTACT INFORMATION

DTSC Public and Business Liaisons (Duty Officers)

If you cannot find the answer to your question in this fact sheet, contact the DTSC Public and Business Liaisons (Duty Officers). You can call them at 800-728-6942, or contact them through the Department of Toxic Substances Control website — <http://www.dtsc.ca.gov> — follow the “Toxic Questions?” and “Contact a Live Person!” links to the page listing each of the Duty Officers’ [email](#) addresses.

DTSC Public and Business Liaisons’ role is to provide informal guidance regarding management of hazardous waste for the convenience of the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.

We also encourage you to complete a Cal/EPA Customer Satisfaction survey <http://www.calepa.ca.gov/about/custsvc.htm> so that we may improve our Public and Business Liaison Program.

Other Useful Numbers

For specific locations of authorized used oil collection centers in your area:

Cal/EPA Recycling Hotline:

1-(800) CLEAN-UP or 1-(800) 253-2687 or <http://www.earth911.org/>

For additional information on EPA ID Numbers, see the online fact sheets

[“EPA Identification Numbers”](#) and

[“Hazardous Waste Generator Requirements”](#)

DTSC Generator Information Services Section, phone number (916) 255-1136 or (800) 618- 6942 (California only), can issue California EPA ID numbers.

To report illegal disposal or management of used oil or used oil filters, contact:

Your local [Certified Unified Program Agency](#) or DTSC Waste-Alert Hotline at (800) 698-6942 or

911 - Only if you see a crime (such as disposal to a storm drain) in progress.

See the online list of local government contacts:

http://www.dtsc.ca.gov/ContactDtsc/contact_s2.html