

FLORIDA FACT SHEET ON THE MANAGEMENT OF USED OIL AND USED OIL FILTERS 6/2/97

Improper management of used oil can contribute to many environmental problems. Requirements for the proper management of used oil have been in effect in Florida since 1984 and used oil was originally banned from landfills in 1988. In 1995, new used oil management standards were adopted by the State of Florida. These new state regulations reflect changes in federal used oil management standards promulgated by the U. S. Environmental Protection Agency. Also, Florida chose to be more stringent than federal regulations regarding the proper management of used oil filters, which were also banned from landfill disposal after it was determined that they contain significant amounts of used oil. This fact sheet is intended to provide a general overview of proper used oil and used oil filter management for businesses which generate these materials.

Both State and federal regulations apply to the management of used oil. The federal regulations are found in Chapter 40, Part 279 of the Code of Federal Regulations (CFR). The State laws regarding used oil are found in Chapter 403.75 through 403.769 of the Florida Statutes (F.S.). The specific management standards for used oil in Florida are found in Chapters 62-701 (Solid Waste Management Facilities) and 62-710 (Used Oil Management) of the Florida Administrative Code (F.A.C.). When amendments to Chapter 62-710, F.A.C., were adopted (effective June 8, 1995), the definitions and standards of 40 CFR, Part 279 were also adopted as state rules by reference. This, essentially, incorporates the federal standards into the Department Rule.

The generator should always check local ordinances, as these may vary throughout the State.

USED OIL

Definitions and Applicability [40 CFR 279, Subparts A & B, Rule 62-710.200, F.A.C.]

Used Oil, defined in Rule 62-701.200(117), F.A.C., is "any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties." Any material which meets this description must be managed as used oil. Used oil includes synthetic oils, transmission and brake fluids, lubricating greases, etc. Used oil does not include products derived from vegetable or animal fats. Used oil destined for recycling is presumed **not** to be hazardous.

Oily Wastes, defined in Rule 62-701.200(76), F.A.C., are "those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with and have been contaminated by, used oil and may be appropriately tested and discarded in a manner which is in compliance with other State and local requirements."

This definition includes materials such as oily rags, "kitty litter" sorbent clay and organic sorbent material. These materials may be landfilled provided that:

1. it is not prohibited in other Department rules or local ordinances
2. the amount generated is "de minimus" (a small amount)
3. it is the result of minor leaks or spills resulting from normal process operations
4. all free-flowing oil has been removed to the practical extent possible

Large quantities of this material, generated as a result of a major spill or in lieu of proper maintenance of the processing equipment, are a solid waste. As a solid waste, a hazardous waste determination must be performed prior to disposal. As this can be an expensive process, it is recommended that this type of waste be minimized through good housekeeping practices and employee education.

Used Oil Generator is defined in 40 CFR, Part 279.1 as “any person , by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.” The management standards which apply to any person meeting this definition are found in 40 CFR, Part 279, Subpart C, Standards for Used Oil Generators.

The following persons are exempted from the management standards for used oil generators:

- 1) households
- 2) vessels at sea or at port, and;
- 3) farmers who generate an average of 25 gallons of used oil per month.

Generators are allowed to mix their own used oil with diesel fuel for use in the generator’s vehicles. Generators may burn their own used oil in approved space heaters (see On-Site Burning, below). The following actions, if performed on-site by generators, are not considered to be used oil process operations, and are not regulated:

- 1) filtering, cleaning or reconditioning used oil prior to reuse;
- 2) separating used oil from waste water, and;
- 3) using oil mist collectors in air recirculation units and removing excess used oil from materials.

Generators who are involved in any other activities should check with the Florida Department of Environmental Protection, as they may fall into the regulatory scheme.

Mixing [40 CFR 279.10]

When used oil comes into contact with a substance which may be hazardous, the regulatory provisions become extremely complex. To avoid any possible liabilities, it is strongly recommended that the used oil be stored in a container or tank which is dedicated solely to used oil. If any hazardous substance (e.g. solvent cleaner, brake cleaner, anti-freeze, mineral spirits) is suspected of contaminating a load of used oil, the transporter may refuse to pick it up, leaving the generator to deal with managing the contaminated used oil as hazardous waste. **Rule 62-710.510(2), F.A.C. requires the used oil transporter to notify the appropriate District office of any used oil generator site where a load of used oil was refused transportation due to the suspicion that it may have been mixed with hazardous waste.**

Storage [40 CFR 279.22]

Generators must store used oil in appropriate containers such as DOT approved drums or tanks. Each container must be labeled with the words “Used Oil” and all containers must be maintained in good condition. The storage containers should be protected from weather and stored on an oil impermeable surface. Any leak or spill must be stopped, contained, managed and the tank repaired or replaced.

On Site Burning [40 CFR 279.23]

Generators may burn used oil in used oil-fired space heaters under the following conditions:

- 1) only the generator’s or do it yourselfer (persons who change their own oil) used oil is burned;
- 2) the heater is designed to have a maximum capacity of 500,000 Btu per hour; and;
- 3) the combustion gases are vented to the ambient air (outside).

Shipments [40 CFR 279.24]

Generators **MUST** ensure that their used oil is transported only by transporters who are registered with the Department. A used oil transporter certified by the Department will have a current Used Oil Transporter Certificate of Approval issued by the Department, a DEP/EPA identification number, a used oil training program and will have demonstrated minimal insurance coverage.

Under certain conditions, generators may transport small quantities of used oil (less than 55-gallons at one time, in sealed containers, in an enclosed portion of the vehicle). A generator considering this activity should check with this Department as more stringent requirements and standards of liability may apply.

USED OIL FILTERS

Overview [Rule 62-710.850, F.A.C.]

Effective July 7, 1995, commercially generated used oil filters are banned from landfill disposal. Used oil filters from private households resulting from do-it-yourselfer oil changes are exempt from this landfill disposal ban. If your waste is typically and frequently sent to a landfill, the used oil filters must be separated from your waste and managed separately. If your waste is managed at a Waste to Energy (WTE) facility (where trash is burned and electricity produced) check with your county solid waste manager. As the filters are burned to recover the energy value of the oil entrapped within the filter and the metal is recycled, the Department recognizes that processing used oil filters at a WTE is an acceptable form of filter management. Some counties with WTE facilities allow the filters to remain commingled with the rest of the solid waste. However, some counties are unable to guarantee that the waste generated within that county will always go to a WTE facility (if the plant is shut down for any reason). In those counties, the filters must be handled separately from other solid waste.

The management standards for used oil filters can be found in Rule 62-710.850, F.A.C. Generators of used oil filters “whose solid waste is typically disposed of in a landfill shall either register as a used oil filter processor or shall ensure that its filters are managed by a registered used oil filter processor.” Generators may consolidate, drain or crush used oil filters for off-site recycling.

Storage of used oil filters [Rule 62-710.850(6)]

Used oil filters must be stored in above ground containers which are clearly labeled “Used Oil Filters,” and which are in good condition. The storage containers must be protected from weather and stored on an oil impermeable surface. Any leak or spill must be stopped, contained, managed and the tank repaired or replaced.

FINAL NOTE [Chapter 403.760, F.S.]

All persons involved in automotive related businesses generating used motor oil (dealerships, parts stores, repair shops and “quick lubes”) are encouraged to volunteer to become a Public Used Oil Collection Center (PUOCC), by registering with the Department at the address given below. Being a PUOCC is a smart business move for a number of reasons:

- 1) increased traffic means increased business, according to a 1993 Valvoline study;
- 2) a PUOCC is granted specific exemptions from CERCLA (Superfund) site clean-up liability; and
- 3) position your business as (and reap the positive public relations associated with) being a responsible neighbor and conducting business in a manner which protects the health of Florida’s citizens and environment.

If you have any questions, please contact:

Used Oil Coordinator
Hazardous Waste Management Section, MS 4555
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Phone: (904) 488-0300

Other Used Oil Fact Sheets, available from the Department:

Florida Fact Sheet on Used Oil in the Environment

Questions Used Oil Generators Should Ask When Selecting a Used Oil Transporter

Spill Avoidance and Emergency Response Procedures for Releases of Used Oil