

## USED MOTOR OIL GENERATOR REQUIREMENTS

Used motor oil includes both synthetic oil and refined from crude oils and contains physical or chemical impurities. This guidance is for facilities that generate their own used motor oil that meets the following conditions:

- Oil is not contaminated with substances that makes it a hazardous waste;
- Oil does not have a flashpoint below 200 degrees Fahrenheit (Motor oil usually has a higher flashpoint than this unless it was mixed with other substances like gasoline);
- Site has aboveground storage capacity less than a 660 gallon single tank or 1,320 gallons of all virgin and used oil
- Oil is not kept in underground storage tanks.

The following used oil generators are not subject to these management requirements:

- [Household do-it-yourselfer](#) (DIY)
- A farmer who generates, in a calendar year, an average of 25 gallons or less of used oil per month from vehicles or equipment used on the farm

If your facility's used oil does not meet the above conditions, see the [Other Used Oil Generator Requirements](#) guidance. The following management requirements are included in the state's [Part 111 used oil rules and Part 121 liquid industrial waste of the Natural Resources and Environmental Protection Act \(NREPA\)](#) and [40 CFR Part 279](#) of the federal Resource Conservation and Recovery Act (RCRA) regulations.

### 1. Use and disposal restrictions

Used oil in a liquid form **CANNOT** be disposed of by any of the following methods:

- Ø Dumped down drains, sewers, into surface or groundwater, or onto ground
- Ø Disposed of in landfills
- Ø Burned in municipal solid waste incinerators or other incinerators without energy recovery
- Ø Used as dust control or weed control

**A generator may use their used oil at the site:**

- As a rust preventative coating on farm or construction equipment.
- By mixing it with diesel fuel and using it as a fuel in the generator's own vehicles. Until mixed, the oil must be managed under the used oil regulations.
- As a fuel in a heater as described in the [Burning Used Oil](#) guidance.

Note: Generators that want to send their waste oil to any other facility to be burned at that site, including in a space heater, are required to meet marketer requirements. The receiving facility also has requirements. Discuss requirements with both [District Office](#) Waste and Hazardous Materials and Air Quality Divisions.

**Due to higher fuel costs, this situation is becoming a common violation.**



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## 2. Waste Motor Oil Characterization

A facility must determine if the waste oil is hazardous waste or not. Keep records at least 3 years after the waste was last sent for treatment, storage or disposal. **Failing to have characterization records is a common violation.**

Characterize used oil by either:

- ✓ **Using knowledge about the oil.** Use the material data safety sheet (MSDS) to identify the oil product's flashpoint. The MSDS will not show if the waste oil has become contaminated with heavy metals from engines or was cross contaminated by other facility operations like aerosol overspray or wastes. Obtain MSDS from the supplier, manufacturer, or the [Internet](#). It is recommended to keep a copy of the MSDS in a waste characterization file in addition to the [MIOSHA requirements](#) for MSDS retention.
- ✓ **Testing the oil.** Discuss testing requirements with the used oil recycler. The transporter will normally do a quick screening test using a chlorinated compound detection test kit before they pick up used oil. If the recycler requires you to provide them with test results, ask if they require specific tests or want you to use a specific testing laboratory. Get and keep copies of test results. Having these results may protect you from potential financial liability if the transporter ends up with contaminated used oil. To find laboratories, see the [Environmental & Drinking Water Testing Labs Directory](#) or talk to your recycler about any labs they recommend.

### **Used motor oil that is not considered hazardous waste includes:**

- Used motor oil being recycled which contains less than 1,000 parts per million by weight (ppmw) total halogens (a test for chlorine, bromine, fluorine, and iodine content).
- Used motor oil that failed the total halogens test but the facility has done a successful rebuttal. See the EPA [Guidance and Summary of Information Regarding the RCRA Used Oil Rebuttable Presumption](#). Discuss the rebuttal process with the [Waste and Hazardous Materials Division District Office](#). The facility may need to test for halogenated hazardous waste constituents that the facility uses. To be successfully rebutted, the results must indicate each halogenated constituent concentration is below 100 ppm. Halogenated constituents are often found in degreasers, brake cleaners, dry cleaning, paints, and other products. Some common ingredients to look for on the MSDS or product label include:
  - perchloroethylene also known as perc or tetrachloroethylene
  - 1,1,1-trichloroethane
  - trichloroethylene also known as TCE
  - carbon tetrachloride, and
  - chloroform.
- Used oil that only exhibits a characteristic of hazardous waste (i.e. ignitable, corrosive, toxic, reactive) that is sent for recycling (including fuel use/blending) and is not mixed with hazardous waste when it is managed according to used oil regulations and environmental and human health standards in R 299.9602 [R 299.92809(1)(g)]. This rule requires a facility to be operated to avoid violations with the federal Clean Water Act and state Part 31 water resource protection regulations; federal Clean Air Act and state Part 55 air regulations; meet wastewater discharge requirements; and if a facility discharges to a municipal sewer system, then it must be in compliance with local pretreatment requirements [R 299.9206(4) and 40 CFR Part 279.10(b)(2)].
- Mixtures of used oil and diesel fuel that is mixed on the generator's site and used in their own vehicles as fuel [R 299.9809(2)(d)]

NOTE: Although the above oil is not considered hazardous waste, it still would be handled, shipped and manifested as [liquid industrial waste](#). See the section on waste manifests and shipping records.

### **Used motor oil considered to be hazardous waste:**

- Used motor oil that fails the total halogens test and is not rebutted.
- Used oil that is mixed with listed hazardous waste.

### 3. On-site Container Management

- **Do not mix other wastes with used oil.** This restriction applies to large quantity generators and small quantity generators mixing hazardous waste with used oil. Conditionally exempt small quantity generators (CESQG) of hazardous waste cannot mix halogenated wastes with used oil as of December 16, 2004 (see page 1 for common halogenated waste examples). A CESQG generates less than 220 pounds of all non-acute hazardous waste, and less than one pound of acute or severely toxic hazardous waste, in a calendar month.

A CESQG should check if the recycler will accept any mixture BEFORE adding any waste to the used oil. To avoid additional requirements, do not create mixtures with a flashpoint below 200 degrees Fahrenheit e.g. when adding gasoline to the oil. The oil mixture must also be 1,000 parts per million by weight (ppmw) or less of total halogens. *If total halogens are over 1,000 ppmw and not rebuttable, it must be managed under the hazardous waste regulations and disposal is more costly.*

The regulations do not prohibit liquid industrial waste to be added to used oil but recyclers may not accept it. Be aware that some antifreeze may be hazardous waste due to metals leaching from radiators.

- **Store only in containers or tanks that are in good condition and compatible with oil.** Replace any damaged ones. Your used oil recycler may provide containers.
- **Keep containers closed** except when filling or emptying, and keep the exterior clean of waste and residue. It is recommended to use wide mouth funnels with self closing valves. *Leaving open funnels in drums or tanks, or leaving bung off a drum are common violations.*
- **Label each container or tank, including fill pipes to underground storage tanks, with the words “USED OIL.”** These words can be written on the container or pipe or use preprinted labels. *No labeling or improper labeling is a common violation.*
- **Protect the accumulation containers from weather, fire, physical damage, and vandals.** It is recommended that access to containers be restricted by storing them indoors, or using a fence or lockable fill caps to prevent unauthorized mixing of other wastes. *Leaving containers exposed to weather or vandals is a common violation.*
- **Regularly inspect tanks and accumulation areas for leaks or potential problems.**
- **Secondary containment is recommended.** Examples include self made or commercially made containment units, animal water tanks that will hold 55 gallon drums, and double walled tanks. If outdoors, have some type of roof over the storage area to reduce the snow and rain getting into the containment that is acceptable to local fire department. Remove precipitation from the containment structure in a timely manner and preferable discharge it into a city sewer system. If that isn't possible, talk to [Water Bureau district staff](#) about discharge options.
- **Check if any local ordinances pertain to oil storage.** Local offices may vary so you should check with local authorities like the fire department, local zoning or building office, and local health department environmental health section.
- If homeowners ask if the facility will take their oil and the company hasn't notified as a collection center or aggregation point, tell them to check with the [local recycling coordinator](#), or go to [www.earth911.org](http://www.earth911.org) for collection sites. Many national chains of oil change businesses and auto supply companies take DIY oils. See the [Collection Center and Aggregation Point](#) guidance if you want to offer this as an employee benefit.
- It is acceptable to add oil drained from oil filters with the other used oil. See [Used Oil Filters](#) guidance.



#### Empty oil containers:

Check if the [recycler](#) accepts empty oil containers. Containers that have not been completely drained of oil are not recyclable. To prepare them for recycling, drain them overnight on an oil bottle draining rack. Empty oil containers may be added to the trash if not recycled and the landfill authority will accept. Contact the landfill authority if they accept drums that have been crushed. If using large amounts of oil, consider purchasing it in returnable totes.

#### Used oil filters:

See [Used Oil Filters](#) guidance

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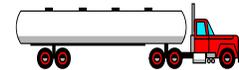
## 4. Shipping Requirements

### 4.1 Hauling your own used oil off-site

- The generator does not have to be a permitted and registered transporter to haul their own waste oil.
- Confirm the place you are taking the oil has notified as a used oil collection site, aggregation point, or liquid industrial waste destination facility by calling the [WHMD District Office](#) or by searching that facility's information in the [Waste Data System \(WDS\)](#) at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste).
- Check if your insurance company will cover accident expenses. The DEQ will not enforce the insurance requirement for a generator transporting its own liquid industrial waste to a properly notified destination facility in quantities of 55 gallons or less, providing the generator is in compliance with the federal transportation requirements (see [op memo 121-2](#)). See the [Other Used Oil Generator Requirements](#) guidance if hauling more than 55 gallons.
- Keep records of the shipment:
  - 📄 When transporting 55 gallons or less of your own generated used oil to another facility:
    - Have a record with the shipment stating where the oil is from, how much oil, and where it is being taken.
    - Obtain a signature from that facility acknowledging receipt of the oil and give them a copy.
    - Keep records for at least 3 years from shipment.
    - The generator does not have to obtain a site identification number if this is the only waste shipped off-site.
  - 📄 When transporting more than 55 gallons, use a waste manifest (see manifest information below). Obtain a site identification number as described below and notify WHMD on the form EQP5150 that the facility is transporting their liquid industrial waste.

### 4.2 Hiring another company to haul used oil off-site

- Obtain a site identification number if the facility doesn't have one BEFORE you need to ship used oil. To check if a facility has a number or what the notification status is on file with DEQ, search the Waste Data System (WDS) at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste). If the facility needs to obtain a number or update facility notification information, apply electronically via [MiTAPS](#) or submit the Michigan Site Identification Form [EQP 5150](#). **Using an incorrect site identification number is a common violation.**
- To find used oil recyclers, check the Oils and Solvents category in the [Recycled Materials Market Directory](#) or call 800-662-9278 for a list. Confirm they are [registered and permitted liquid industrial waste transporters](#).
- Meet one of the following requirements for appropriate shipping records when hiring a transporter.
  - 📄 Use the Uniform Hazardous Waste Manifest when shipping used oil. Keep records 3 years from shipment. A [manifest tracking form](#) is available to help organize recordkeeping. Most haulers or recycling companies will provide manifests. [Manifest instructions](#) and [ordering manifest information](#) is at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste). A new national manifest system became effective September 5, 2006.
    - Submit copies per manifest instructions. Keep the generator's initial copy until you receive the signed "Designated Facility to Generator copy" back from the disposal or recycling facility. You should have that within 35 days after shipping. Keep that copy for at least 3 years from shipment date.
    - If you do not receive a signed copy within 45 days after shipment, send a copy of the manifest and a letter with any other information regarding the shipment to the DEQ Waste & Hazardous Materials Division, Manifest Unit, PO Box 30038 Lansing, MI 48909-7538.
  - 📄 If the transporter uses a [consolidated manifest](#), obtain a receipt with the following information and keep records 3 years from shipment:
    - ✓ Transporter's company name
    - ✓ Driver's signature
    - ✓ Date of pickup
    - ✓ Type and quantity of waste removed
    - ✓ Designated facility
    - ✓ Consolidated manifest number



**Failing to have manifests or shipping records is a common violation.**

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## 5. Release Reporting, Emergency Plans, and Training

### 5.1 Release Reporting

Numerous state and federal regulations have release reporting requirements. All spills must be cleaned up. **If in doubt, report the spill by calling PEAS at 800-292-4706 (or from out of state call 517-373-7660) and 911. If the release got into navigable waters or adjoining shorelines, also call the National Response Center at 800-424-8802.** The facility can then contact the DEQ for help in determining the applicable regulations and follow-up reporting requirements.

Under Part 121, generators are required to report releases of used oil that threatens human health, safety, or welfare to both the public and employees, or environment. Call PEAS at 800-292-4706 and prepare a written report summarizing the incident and response actions within 30 days of the release and keep a copy at the facility. Submit a copy to DEQ if requested.

Under the used oil rules, generators must also:

- ✓ Stop the release
- ✓ Contain the released used oil
- ✓ Clean-up and properly dispose of the released used oil and other cleanup materials. If only oil is being cleaned up and there are no free liquids in the cleanup materials, check if landfill will accept the waste.
- ✓ Repair or replace leaking containers or tanks

Depending on the circumstances, a facility may be subject to additional [release reporting requirements](#) under other regulations. A [spill or release report form](#) EQP3465 is available, but not required to be used.

### 5.2 Emergency Plans and Training

Facilities that meet the conditions listed on page 1 are not required under the waste regulations to develop a written emergency plan for oils or have emergency training but employees should know what to do if a release occurs including release reporting procedures. A facility must meet [MIOSHA requirements](#) for having emergency procedures in place and employees trained how to respond to a release. Have a spill kit available with supplies like cat litter or [other sorbents](#) that will soak up the oil and keep it from going down drains or spreading onto the ground. Look at the MSDS for instructions how to respond to spills and see EPA spill response information at <http://www.epa.gov/oilspill>.

The DEQ does not keep a list of emergency trainers nor provides emergency training. If the facility belongs to an association, check if they keep a list or search the Internet for consultants that offer these services. The [Michigan State Police, Emergency Management and Homeland Security Division](#) provides related emergency response training. Contact the State Police Hazardous Materials Training Center at 517-322-1190 or Emergency Management and Homeland Security Division at 517-333-5034 for more information.

## 6. Additional Compliance and Information Resources

- See the [used oil inspection form](#) and [liquid industrial waste inspection form](#) to do a compliance self audit. If doing a voluntary, internal evaluation consider meeting the [environmental self audit](#) criteria.
- The Agency for Toxic Substances and Diseases has health fact sheets about [used crankcase oil](#).
- Call your [DEQ district office](#) or the DEQ Environmental Assistance Center at 800-662-9278, or email [deg-ead-env-assist@michigan.gov](mailto:deg-ead-env-assist@michigan.gov) if you have additional questions.

This guidance was revised May 2007 by the Environmental Science and Services Division in conjunction with the Waste and Hazardous Materials Division. Regulations are subject to change. Reliance on information from this document is not usable as a defense in any enforcement action or litigation. Refer to the regulations and discuss your requirements with the regulating agency, or contact the Environmental Assistance Center at 800-662-9278 for referral.

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