

CALL CENTER QUESTIONS & ANSWERS

RCRA

1. Frequently Asked Questions about the Used Oil Management Standards in 40 CFR Part 279

During equipment maintenance, a generator produces used oil that exhibits the ignitability characteristic and another used oil that is nonhazardous. Can a generator of these used oils dispose of them, or is he or she required to recycle the used oil if possible?

The 40 CFR Part 279 standards do not require a used oil generator to recycle either characteristic or nonhazardous used oil. EPA presumes that used oil will be recycled and allows management of all used oil under the Part 279 standards until a handler disposes of it or sends it for disposal (57 FR 41566, 41578; September 10, 1992). While recycling is recommended and presumed to occur under Part 279, generators do not have to recycle the used oil and may dispose of it instead. If a generator disposes of or sends for disposal used oil that exhibits a characteristic of hazardous waste, the oil must be managed in accordance with the RCRA Subtitle C regulations in Parts 260 through 266, 268, 270 and 124. If a generator disposes of or sends for disposal used oil that is nonhazardous, it must be managed in accordance with the RCRA Subtitle D regulations in Parts 257 and 258 (§279.81). Additionally, individuals should

contact their state agencies to determine state regulatory requirements. State programs may have hazardous waste or used oil regulations that are more stringent than the federal standards.

If the generator plans to dispose of the used oil, is he or she required to comply with the requirements in Part 279, Subpart C, including labeling and storage, while the used oil is on site?

Although the generator's characteristic or nonhazardous used oil would be subject to all applicable requirements of RCRA Subtitle C or Subtitle D regulations once sent off site for disposal, used oil must be managed according to Part 279 provisions until it is actually disposed of or sent off site for disposal. Thus, a generator ultimately sending used oil off site for disposal would be required to label, store, and otherwise manage it in accordance with Part 279, Subpart C, until it is shipped off site.

Is there an accumulation time limit for a generator storing used oil on site prior to sending it off site for recycling or disposal?

The Part 279 standards do not limit the amount of time used oil generators can accumulate used oil on site before sending it for recycling or disposal (§279.22).