



# Waste Management Division Hazardous Waste Management Bureau

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## SUMMARY OF REQUIREMENTS FOR MANAGEMENT OF USED OIL BEING RECYCLED

as provided in New Hampshire's Hazardous Waste Rules, Env-Hw 100-1200, effective 8/14/2017

### I. Overview

- A. "Used oil" means any oil that has been refined from crude oil and any synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties. The oil must have been used as a lubricant, coolant (non-contact heat transfer fluid), emulsion, or for some similar use.
- B. Used oil does not include vegetable oil, oily water containing less than 5% oil, solids contaminated with oil (soil, absorbents, rags, debris), fuels, or petroleum based solvents or cleaners. These wastes subject to a hazardous waste determination as described in Env-Hw 502.
- C. Used oil is a state listed hazardous waste, with a New Hampshire Hazardous Waste Number of NH01.
- D. When used oil is recycled by either being re-refined or burned for energy recovery, it may be subject to less stringent standards under Env-Hw 807 rather than being fully regulated as a hazardous waste under Env-Hw 500. When the used oil is recycled and meets specification or off-specification standards, the used oil is no longer assigned the waste code of NH01.
- E. Used oil for recycle managed under Env-Hw 807 does not need to be counted towards a facility's hazardous waste generator classification.
- F. Used oil for recycle rules apply to:
  - 1) Generators;
  - 2) Transporters;
  - 3) Marketers; and
  - 4) Burners of used oil.
- G. "Do-it-yourself (DIY) used oil" means oil that is derived from households, such as used oil generated by individuals through the maintenance of their personal, non-business vehicles. DIY used oil generators (i.e., homeowners) are exempt from the requirements of the Hazardous Waste Rules. Anyone who collects DIY used oil becomes a generator of "Used Oil for Recycle" and is subject to the generator requirements in Env-Hw 807.06.

## II. Classification of Used Oil for Recycle

Generators of used oil for recycle shall conduct an initial used oil determination on the used oil to determine its classification. Used oil is classified as specification, off-specification, or hazardous waste, depending on how contaminated the oil is.

- A. Used oil shall be classified as specification used oil if the oil meets all of the standards below:

Constituent/Property	Allowable Level
Arsenic	5 parts per million, dry weight basis (ppm-dw) maximum
Cadmium	2 ppm-dw maximum
Chromium	10 ppm-dw maximum
Lead	100 ppm-dw maximum
Flash Point	100 degrees Fahrenheit minimum
Polychlorinated Biphenyls (PCBs)	Less than 2 ppm-dw
Total Halogens	1,000 ppm-dw maximum

- B. Used oil shall be classified as off-specification used oil if the oil does not meet all the standards of specification used oil and meets all the standards below:

Constituent/Property	Allowable Level
Arsenic	18 ppm-dw maximum
Cadmium	10 ppm-dw maximum
Chromium	35 ppm-dw maximum
Lead	1,000 ppm-dw maximum
Flash Point	100 degrees Fahrenheit minimum
Total halogens	1,000 ppm-dw maximum, unless the presumption that the oil was mixed with halogenated hazardous waste has been rebutted as described in Env-Hw 807.04(c)

Except as provided for in Env-Hw 401.03(b)(26), used oil containing PCBs at concentrations greater than or equal to 2 ppm shall be classified as off-specification used oil. Used oil containing PCBs shall also be subject to regulation under the Toxic Substances Control Act and its rules codified under 40 CFR Part 761.

Used oil containing more than 1,000 ppm of total halogens shall be presumed to have been mixed with halogenated hazardous waste. A person may rebut this presumption by providing conclusive information that the used oil has not been mixed with halogenated hazardous waste. This may be done by reviewing product Safety Data Sheets (SDS) or testing for volatile organic compounds using EPA method 8260 found in Test Methods for Evaluating Solid Wastes, SW-846.

- C. Used oil shall be classified as hazardous waste (NH01) when:

- 1) It is mixed with a hazardous waste; or
- 2) It exhibits a hazardous waste characteristic except as provided for above; or
- 3) It exceeds off-specification levels; or
- 4) It is not destined for recycle.

When one or more of the conditions in C, above, are met, the used oil may not be managed under Env-Hw 807 and shall instead be subject to a full hazardous waste determination as described in Env-Hw 502.

D. Sampling and analytical testing methods must conform to the hazardous waste determination methods as described in Env-Hw 401.04.

### **III. Standards for Generators of Used Oil Being Recycled**

A. Used oil must be stored in US DOT compliant containers (i.e., good condition, no leaks, compatible with contents) or structurally sound tanks.

B. Containers and tanks must be clearly labeled with the words "Used Oil for Recycle".

C. All containers and tanks must be kept closed except when used oil is being added to or removed from the container or tank.

D. Generators shall conduct an initial used oil determination as described in Env-Hw 807.03(b)(5), unless:

- 1) The facility only collects DIY used oil generated as a household waste; or
- 2) The facility generates only used automotive oil and ensures that oil is not mixed with any other type of oil or waste.
  - a) "Automotive oil" means motor, engine, and gear oils, and transmission and brake fluids.

E. Ensure delivery is only to a facility authorized to accept used oil or burn the used oil on-site in accordance with Env-Hw 807.10.

F. Use a New Hampshire registered hazardous waste transporter when shipping used oil unless self-transporting less than 110 gallons as specified in Env-Hw 807.07(b).

G. Use a three-copy bill of lading with each shipment of used oil for recycle as described in Env-Hw 807.06(b)(11). If the used oil is being shipped to a state that requires the use of a hazardous waste manifest, a hazardous waste manifest may be used instead of a bill of lading.

H. Copies of bills of lading and documentation of initial used oil determinations must be kept on file for three years from the date of shipment.

I. If a facility's only used oil management activity is generation of used oil, the facility must comply with the requirements listed above, but is not required to notify NHDES of its status as a generator of used oil for recycle.

### **IV. Standards for Transporters of Used Oil Being Recycled**

A. A transporter of used oil being recycled must comply with Env-Hw 600. This includes registering with the State of New Hampshire as a hazardous waste transporter and obtaining an EPA identification number.

- B. Use a three-copy bill of lading with each shipment of used oil for recycle as describe in Env-Hw 807.06(b)(11). If the used oil is being shipped to a state that requires the use of a hazardous waste manifest, a hazardous waste manifest may be used instead of a bill of lading.
- C. Maintain copies of each bill of lading for three years from the date of shipment.
- D. Submit an annual used oil activity report to NHDES for any used oil transported in the immediately preceding calendar year.

**V. Standards for Marketers of Used Oil Being Recycled**

- A. "Act of marketing" means the transfer of used oil from one party to another, regardless of whether a fee or charge is collected for the transfer.
- B. "Used oil marketer" means any person who engages in the act of marketing unless exempt under Env-Hw 807.08(b) (listed in item E below).
- C. Every time used oil changes ownership, a marketer must be identified to accept the marketer responsibilities. A generator, transporter, or burner may also be a marketer.
- D. Used oil marketers include the following:
  - 1) Generators who offer their used oil directly to a used oil burner;
  - 2) Persons who receive used oil from generators, except those receiving exclusively DIY used oil, and produce, process, or blend used oil fuel from the used oils received, including persons sending blended or processed used oil to brokers or other intermediaries; and
  - 3) Persons who distribute used oil, including transporters who take ownership of the oil they collect.
- E. Unless transferring used oil directly to a person who burns it for energy recovery, used oil marketers do not include:
  - 1) Used oil generators; and
  - 2) Transporters who transport used oil received only from generators.
- F. A used oil marketer must notify NHDES of its used oil management activities.
  - 1) Facilities must notify NHDES by completing and submitting a RCRA C Site Identification Form to the Waste Management Division's Reporting and Information Section (RIMS).
  - 2) Additional information regarding the notification process can be obtained by calling 603-271-2921 or visiting the RIMS website at:  
[https://www.des.nh.gov/organization/divisions/waste/swmb/rims/permit\\_hw\\_activity\\_notif.htm](https://www.des.nh.gov/organization/divisions/waste/swmb/rims/permit_hw_activity_notif.htm).
- G. A marketer must perform sampling and analyses on each batch of used oil being marketed. A number or code must be assigned to each batch of used oil tested. This number must be recorded on all corresponding analytical reports, bills of lading and/or hazardous waste manifests.

- H. When initiating a shipment of used oil, a marketer must use a 3-copy bill of lading as described in Env-Hw 807.06(b)(11). The analytical report must accompany the bill of lading.
- I. A marketer must obtain a one-time written and signed notice from used oil recipients that certifies that the recipients have notified NHDES of their used oil management activity and, if burning the used oil, certifies that the recipient will burn the used oil only in a device specified in the New Hampshire Hazardous Waste Rules.
- J. Before accepting the first shipment of used oil from another marketer, the receiving marketer must provide the shipping marketer with a one-time written and signed notice certifying that the receiving marketer has notified NHDES of its used oil management activities.
- K. A marketer must maintain an operating log that includes the following information:
  - 1) The name and address of the facility receiving the shipment;
  - 2) The quantity of used oil fuel delivered;
  - 3) The date of shipment or delivery; and
  - 4) A cross-reference to the record of the used oil analysis, including the batch code or number.
- L. The following records must be maintained for three years:
  - 1) Certification notices;
  - 2) Analytical reports;
  - 3) Bills of lading; and
  - 4) Operating log.

## **VI. Standards for Burners of Used Oil Fuel**

- A. "Used oil fuel burner" means an owner or operator of an industrial furnace, boiler, or space heater identified in Env-Hw 807.10(b)(4)-(6) that burns used oil fuel.
- B. A used oil fuel burner must notify both NHDES' Waste Management Division and Air Resources Division of its used oil management activities.
- C. Specification and DIY used oil may only be burned in:
  - 1) Oil furnaces and boilers at non-residential locations; and
  - 2) Used oil fired space heaters (maximum capacity of not more than 0.5 million BTU/hour) that are vented outside.
- D. Off-specification used oil may only be burned in:
  - 1) Industrial furnaces (as defined in Env-Hw 103.72);
  - 2) Industrial and utility boilers; and
  - 3) Used oil fired space heaters (maximum capacity of not more than 0.5 million BTU/hour) fueled by only used oil generated on-site, and vented outside.

- E. Used oil fuel burners must perform analyses on the used oil, unless:
  - 1) The oil was received from a marketer that has tested the oil and has provided a copy of the results to the burner; or
  - 2) The burner is burning only used automotive oil that is generated on-site; or
  - 3) The burner is burning only DIY used oil generated as a household waste.
  
- F. Prior to accepting the first shipment of off-specification used oil fuel from a marketer, a burner must provide the marketer a one-time written and signed notice certifying that it has notified NHDES of its used oil management activity and it will burn the oil only in a device specified in the New Hampshire Hazardous Waste Rules.
  
- G. The following records must be maintained for three years:
  - 1) Certification notices;
  - 2) Analytical reports; and
  - 3) Bills of lading.

**VII. Standards for Facilities that Receive Used Oil on a Hazardous Waste Manifest**

- A. If a facility receives used oil on a hazardous waste manifest (i.e. is listed as the destination facility on a hazardous waste manifest), the facility must participate in EPA's e-Manifest system in addition to complying with all applicable elements of the New Hampshire Hazardous Waste Rules. Please contact NHDES' Reporting and Information Section at 603-271-2921 with questions regarding e-Manifest.

**This summary provides general information only and is not all inclusive.** All managers of used oil are responsible for compliance with the New Hampshire Hazardous Waste Rules, Env-Hw 100-1200. Should there be additional questions, please contact the New Hampshire Department of Environmental Services (NHDES), Waste Management Division at (603) 271-6424, 1-888-TAKEOIL, or [usedoil@des.nh.gov](mailto:usedoil@des.nh.gov). For a complete description of the requirements, refer to New Hampshire's Hazardous Waste Rules (Env-Hw 100-1200), which may be obtained by contacting the NHDES Public Information Center at (603) 271-8876 or on the NHDES website at: <https://www.des.nh.gov/organization/commissioner/legal/rules/index.htm#waste>.