

New York State: Handling of Used Oil for Small Businesses

6 NYCRR Parts 374-2 and 225

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What is used oil?

Used oil is any oil, whether refined from crude or synthetic, that has been contaminated by physical or chemical impurities as a result of use. Used oil includes used crankcase oil, metal working oils, gear oil, transmission fluid, brake fluid, and hydraulic fluid.

Who generates used oil?

Among the facilities generating used oil are vehicle repair shops, fleet maintenance facilities and industries. Used oil is also generated by private citizens who change the motor oil on their own vehicles and are known as household do-it-yourself oil changers, or DIYs.



Regulatory requirements of used oil

Used oil is not regulated as a hazardous waste if it is recycled or burned for heating purposes. This means that your used oil, if not mixed or contaminated with hazardous waste, can be managed under the used oil regulations, 6 NYCRR Subpart 374-2. If you are disposing of any used oil rather than recycling or burning for heating purposes, or your used oil is mixed with other wastes, then you must make a hazardous waste determination and comply with any applicable hazardous waste regulations.

Storage requirements

Used oil may be stored in tanks (stationary) or containers (portable), including drums. All aboveground tanks and containers must be kept in good condition and must not leak. Aboveground tanks, containers, and the fill pipes of underground tanks must be labeled "USED OIL", and aboveground tanks must be labeled with the tank's design and working capacity. The fill pipes of underground tanks must also be labeled with the tank's capacity. Underground tanks are subject to further federal regulations; please call us here at the Small Business Environmental Assistance Program (SBEAP) for more information.

All aboveground and underground used oil tanks, regardless of size, are subject to the standards of New York State's Petroleum Bulk Storage regulations including the registration of all used oil tanks (see below), monthly visual inspections of aboveground tanks, and standards for new tank installations. For any facility that generates used oil, secondary containment is required for aboveground tanks whose capacity is 10,000 gallons or greater and for smaller tanks if it can be reasonably expected that any leakage from them could contaminate the waters of the state.



A tank that is located within 500 feet of the following resources is considered by the New York State Department of Environmental Conservation (NYSDEC) to be in close proximity to ground or surface waters of the State, and secondary containment should be installed:

- a continual or intermittent stream;
- a public or private well;
- an aquifer (including all of Long Island);
- a wetland ;
- a lake/pond, estuary, etc.; or
- a storm drain.

Even when not required, secondary containment is strongly recommended. The NYSDEC has delegated the petroleum bulk storage program to Nassau, Suffolk, Rockland, Cortland and Westchester Counties. These counties may have more stringent requirements for storing used oil and should be contacted for more information. If you have a used oil tank in any of these counties please contact SBEAP for the appropriate contact information for your county.

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All aboveground and underground used oil tanks, regardless of size, must be registered with the NYSDEC. A registration fee applies to used oil tanks only if the used oil is burned on site for heating **and** the combined storage capacity of all the petroleum fuel tanks at the facility exceeds 1,100 gallons. SBEAP can assist you in the registration process.

Nassau, Suffolk, Rockland, Cortland and Westchester Counties may have additional registration requirements than the NYSDEC, please be sure to contact them for more information if you have a tank in one of these counties.

Transporting used oil

A shop can hire a transporter to pick up used oil for recycling or disposal. The transporter must have a NYSDEC Part 364 waste transporter permit **and** a 12-digit US EPA Hazardous Waste (RCRA) ID number. Shops can also self transport up to 500 pounds (roughly 55 gallons) of used oil, without a NYSDEC Part 364 permit or EPA ID number, but only to:

- A facility that is also owned by your company, or
- A facility that is permitted by NYSDEC to accept used oil directly from the generators of that oil **and** has an EPA ID number.

Can businesses accept used oil from DIYs and other businesses?

A business of any size can accept used oil from a DIY but cannot take used oil from other businesses (without being subject to many requirements). Every service establishment and retail establishment must accept up to 5 gallons per person per day of used oil at no charge from DIY oil changers and post a sign that is open to public view, stating: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE." A service establishment is a business that sells at least 500 gallons per year of new oil and performs servicing on vehicles. A retail establishment is a business that sells at least 1000 gallons of new oil per year, but doesn't perform any servicing of vehicles. Service and retail establishments may require that the used oil be brought in rigid, screw top containers and may refuse to accept used oil from DIYs if the used oil is contaminated through other than normal and ordinary use.

Can used oil be burned to heat my shop?

Automotive service facilities can burn their own used oil and used oil from DIYs in specially designed used oil-fired space heaters as long as the following requirements are met:



- The used oil originates from vehicles serviced at your shop or by DIY's.
- The space heater is rated at less than 0.5 Million British Thermal Units (BTUs) per hour.
- The space heater is vented to the outside.
- The used oil has not been mixed with any hazardous waste.

If you are not an automotive service facility and would like to burn used oil for heating purposes, further regulations apply. Please contact SBEAP for further assistance.

Many shops purchase used oil-fired space heaters and then find out that they don't generate enough used oil to keep the space heater operating throughout the winter. Although it may seem desirable to receive used oil from other shops, both the used oil and air regulations impose significant requirements, such as permitting, recordkeeping and analytical testing, on this practice. If you wish to explore the possibility of burning used oil from other than your own shop, please contact SBEAP.

The information in this fact sheet is intended for general reference only; it is not a full and complete statement of the technical or legal requirements associated with the regulation.

Helping New York's small businesses understand and comply with environmental regulations.

Small Business Environmental Assistance Program

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