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 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF MATERIALS MANAGEMENT AND COMPLIANCE ASSURANCE
 ENGINEERING & ENFORCEMENT DIVISION

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Environmental Program Fact Sheet

SUMMARY OF CHANGES TO DEP’S USED OIL REGULATIONS MADE IN 2001 AND 2002

The following table summarizes changes to the Connecticut Used Oil Regulations that were made on October 31, 2001 and June 27, 2002. Through these changes, DEP adopted the federal used oil regulations at 40 CFR 279, along with some additions and modifications of the federal language, to be consistent with state law or for appropriate technical reasons. The federal used oil regulations may be accessed on the U.S. EPA web site at:

<http://www.epa.gov/epacfr40/chapt-I.info/chi-toc.htm>.

Each entry in the table below ends with the section number of the state hazardous waste regulations corresponding to the listed provision. Please note that, for the sake of brevity, this section number does not include the first part of the regulatory citation (i.e., “RCSA Section 22a-449(c)-”). The complete state hazardous waste regulations are available on the DEP website (www.ct.gov/dep).

These changes were made after issuance of DEP’s 1999 draft guidance document, “Management of Used Oils in Connecticut.” As a result, the information below supersedes any conflicting information in that 1999 draft guidance.

Subject/Topic	Some Major Changes in the Used Oil Rules
<p>Used Oil – General</p>	<ul style="list-style-type: none"> • <u>Adopted 40 CFR 279 federal used oil rules</u> (more details below). 119(a)(1) • <u>Mixing hazardous waste with used oil</u> is prohibited, unless such mixing is for legitimate recycling purposes. 119(a)(2)(D) • <u>Definition of “used oil”</u> includes waste oils that have not been used (for example, old, off-specification, or unwanted virgin oils being discarded). 100(c)(35) • <u>Definitions of “on-spec” and “off-spec” used oil fuel</u> were created. 119(a)(2)(A) • <u>Spill response.</u> Clarified that cleanup must not only address the material spilled, but also any contaminated soil, groundwaters, or surface waters. 119(a)(2)(O), (FF), (WW), & (PPP) • <u>Used oil as a dust suppressant.</u> Used oil may never be used for dust suppression in Connecticut. 119(a)(1)(B) • <u>Used oil that is not or cannot be recycled</u> is subject to all applicable disposal requirements in the state hazardous waste rules. 119(a)(2)(YYY) • <u>Applicability of CGS §22a-454.</u> Clarified that the permitting requirements of CGS Section 22a-454 apply independently of the used oil regulations. 119(e)

Subject/Topic	Some Major Changes in the Used Oil Rules
Used Oil - Testing and Characterization	<ul style="list-style-type: none"> • Test methods specified for total halogen and used oil fuel specification testing. 119(a)(2)(G), (Z), (PP), (III), & 119(b)(1)(A)(i) • Knowledge of process information that is used as a substitute for analytical testing to determine total halogen content must be documented. 119(a)(2)(AA), (QQ), (JJJ), & 119(b)(1)(A)(ii) • Rebuttable presumption. The presumption of mixing with listed hazardous waste for used oils with greater than 1000 ppm total halogens may be rebutted if the oil does not have more than 100 ppm of any one of the F001/F002 chlorinated solvents. 119(a)(2)(B), (BB), (RR), (KKK), & 119(b)(1)(B) • Adopted exemptions from rebuttable presumption for chlorinated paraffin cutting oils and oils with CFCs (e.g., freon). 40 CFR 279.10(b)(1)(ii)(A) & (B) • High-halogen used oils that are not rebutted. Unless the presumption of mixing is successfully rebutted, a used oil with over 1000 ppm total halogens must be managed as a hazardous waste. 119(a)(2)(B), (L), (BB), (RR), (KKK), & 119(b)(1)(B)
Used Oil – Generators	<ul style="list-style-type: none"> • Subject to the used oil generator requirements of 40 CFR 279 subpart C. • Storage areas. Tank and container storage areas storing over 55 gallons of used oil must be equipped with an impervious surface. If outdoors, the storage area must also have secondary containment (e.g. a berm). 119(b)(2) • Total halogen determinations. Clarified that generators must determine the total halogen content of their used oil, and, if necessary, apply the rebuttable presumption. Records of total halogen determinations must be kept for 3 years. 119(b)(1)
Used Oil - Collection Centers and Aggregation Points	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 subpart D. These requirements, in turn, require compliance with used oil generator requirements (see above). • Used Oil Collection Centers must have a permit to operate in Connecticut (this is not required for Aggregation Points). 119(a)(2)(A) & (R)
Used Oil - Transporters and Transfer Facilities	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 subpart E. • EPA ID Number is required <u>before</u> transporting used oil. 119(a)(2)(U) • Transfer facilities may not store for more than 10 days. 119(a)(2)(A) & (DD) • Vehicle-to-vehicle transfers. Transporters that transfer used oil from one vehicle to another must have secondary containment (note: this activity may also require a permit under Connecticut General Statutes (CGS) Section 22a-454). 119(c) • Spill response. Must report spills using DEP’s 24-hour Spill Response telephone number (in addition to the National Response Center), and must comply with the spill response requirements of CGS Section 22a-450. 119(a)(2)(W)
Used Oil - Processors and Re-Refiners	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 Subpart F. • EPA ID Number is required <u>before</u> processing used oil. 119(a)(2)(GG) • Total halogen determinations. Analyses or other records documenting total halogen determinations must be retained for at least three years. 119(a)(2)(SS) • Emergency equipment must be tested monthly, and after each use. 119(a)(2)(II) • Spill response. Must report spills using DEP’s 24-hour Spill Response telephone number (in addition to the National Response Center), and must comply with the spill response requirements of CGS Section 22a-450. 119(a)(2)(MM) • Closure. Established timeframes for the closure of used oil storage areas, and clarified that contaminated surface and groundwaters must be cleaned up during closure. 119(a)(2)(WW), (XX), & 119(d) • Operating records must be retained until closure is completed. 119(a)(2)(AAA) • Biennial Reports must be filed on whatever forms DEP may specify, and shall include additional information if requested by DEP. 119(a)(2)(BBB)

Subject/Topic	Some Major Changes in the Used Oil Rules
Used Oil - Burners	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 Subpart G. • Burning of CFC oils. Clarified that used oil from refrigeration units must first have the CFCs reclaimed from it before being burned. 119(a)(2)(LLL) • Recordkeeping. Clarified that the burner retains a <u>copy</u> of the burner certification (not the original). 119(a)(2)(QQQ) • PCBs. Clarified that facilities that burn used oil are subject to federal PCB requirements (not just those that market used oil). 119(a)(2)(F) • Tanks. Corrected a typographical error in the federal rules (i.e. “existing” vs. “new” tanks in the section heading in 40 CFR 279.64(e)). 119(a)(2)(NNN)
Used Oil - Marketers	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 Subpart H. • Recordkeeping. Clarified that the marketer retains the original copy of the burner certification. 119(a)(2)(XXX)

If you would like more information on how to comply with Connecticut’s used oil regulations, there are a number of informational materials from DEP that may help. First, there is our comprehensive, 41-page guidance document entitled, Management of Used Oils in Connecticut. This document may be obtained by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet. DEP also has a number of used oil fact sheets which are available on specific topics relating to used oil. The fact sheets that contain information of particular interest to used oil generators and handlers include the following:

- Used Oil Fact Sheet # 4: Materials Containing or Otherwise Contaminated with Used Oil
- Used Oil Fact Sheet # 5: Mixtures of Used Oil and Other Materials
- Used Oil Fact Sheet # 6: Management of Tank Bottoms
- Used Oil Fact Sheet # 7: Management of Used Oil Generated from Motor Vehicle Servicing Operations
- Used Oil Fact Sheet # 8: Management of Used Oil Generated in Industry and Commerce
- Used Oil Fact Sheet # 9: Management of Household Do-It-Yourselfer Used Oil
- Used Oil Fact Sheet # 10: Used Oil from Boats, Ships, and Other Watercraft
- Used Oil Fact Sheet # 11: Used Oil Generated on Farms

These fact sheets are available on the DEP web site (www.ct.gov/dep), or by calling DEP at one of the telephone numbers listed above. If you have any questions about used oil requirements, you may also contact DEP directly at our toll-free hazardous waste compliance assistance line: 1-888-424-4193.

The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD (860) 424-3333.