



Department of  
Toxic Substances  
Control

*Preventing  
environmental  
damage from  
hazardous waste,  
and restoring  
contaminated  
sites for all  
Californians.*

Fact Sheet, August 2007

## Used Oil and Oil Filter Management

### Regulatory Assistance Officers Notes:

This fact sheet provides an overview of requirements for managing used oil and used oil filters in California. These requirements primarily apply to non-household generators of used oil filters, such as businesses and used oil collection centers. If you are a business that generates used oil, oil filters or other hazardous waste, you should consult with your Certified Unified Program Agency (CUPA). If you are a “Do-It-Yourselfer” or hobbyist that generates these or other hazardous wastes, call your county [environmental health department](#) to find out about your local used oil and household hazardous waste program. For a complete legal description of requirements specific to used oil, consult California Health and Safety Code, chapter 6.5, division 20, article 13 (commencing with section 25250), and California Code of Regulations title 22, division 4.5, including chapter 29 (used oil) (commencing with section 66279.1) and section 66266.130 (used oil filters). See the DTSC publication on [Generator Requirements](#) for general hazardous waste management guidance. Finally, DTSC strongly encourages all businesses generating hazardous waste to consider waste minimization, source reduction and pollution prevention.

### Used Oil Management

#### *Legal Definition of Used Oil:*

“Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of use or as a consequence of extended storage, or spillage, has been contaminated with physical or chemical impurities”. (Health and Safe. Code § [25250.1](#))

### Used oil includes, but is not limited to, the following:

#### Used Oil Management

Health and Safety Code section 25250.4 requires that used oil be managed as a hazardous waste in California unless it is shown to meet the specifications for recycled

#### Used motor oils:

Vehicle crankcase oils  
Engine lubricating oils  
Transmission fluids  
Gearbox and differential oils

#### Used industrial oils:

Hydraulic oils  
Compressor oils  
Turbine oils  
Bearing oils  
Gear oils  
Transformer (electric) oils  
Refrigeration oils  
Metalworking oils  
Railroad oils



State of California



California  
Environmental  
Protection Agency



***Used oil does NOT include:***

Antifreeze  
Brake fluid  
Other automotive wastes  
Fuels (gasoline, diesel, kerosene, etc.)  
Grease  
Solvents  
Substances which are not oils  
Oils with a flashpoint below 100°F  
Oils containing more than 1,000 parts per million (ppm) total halogens unless the rebuttable presumption is rebutted.

Oils mixed with hazardous waste  
Wastewater containing small amounts of used oil  
Oils containing 5 ppm polychlorinated biphenyls (PCBs) or greater  
Oily wastes that are not used oil  
Oily wastewaters that are not used oil  
Tank bottoms  
Used oil processing bottoms  
Used oil re-refining distillation bottoms  
Cooking oils (edible)

Note: Non-petroleum derived edible oils that exhibit hazardous characteristics are hazardous wastes, but are not technically regulated as “used oil.”

Health and Safety Code section 25250.4 requires that used oil be managed as a hazardous waste in California unless it is shown to meet the specifications for recycled oil in Health and Safety Code section 25250.1(b) or qualifies for a recycling exclusion under Health and Safety Code section 25143.2. In most instances, this means that the generator will contract with a registered hazardous waste transporter to have the used oil picked up within the appropriate accumulation period, but generators may self-transport small quantities of used oil to collections centers, as discussed later in this fact sheet. The accumulation period is 90 days for generators of 2200 lbs. of hazardous waste per month or more (large quantity generators) or 180 days for generators of less than 2200 lbs. per month (small quantity generators). Small quantity generators may accumulate for up to 270 days if the generator sends the oil to a used oil facility that is more than 200 miles away. (California Code of Regulations, title 22, section 66262.34.) Generators who generate a total of less than 220 pounds of hazardous waste per month don't have to start the accumulation “clock” until they have accumulated 220 pounds (approx. 27 gallons) of waste.

Mixing of hazardous waste, including household hazardous waste, with used oil is prohibited.

### **Used Oil Generator Requirements**

Persons or businesses generating used oil are required to meet all used oil generator requirements. Used oil collection centers must meet the same requirements. California Code of Regulations, title 22, sections [66279.20](#) and [66269.21](#) Householders who change their own oil (do-it-yourselfers) are exempted from regulation as used oil generators. They must, however, manage their used oil appropriately (e.g., by taking it to a used oil collection center, etc., and never disposing of it to land, water, storm drains, etc.) Householders are allowed to transport their own used oil to a used oil collection center or to a used oil recycling facility if specified conditions are met. These conditions are described in this fact sheet under the section “[Transportation of Used Oil](#)” and in Health and Safety Code section [25250.11](#). Some communities have a curbside used oil pickup program for residents; check with your local solid waste or environmental health agency to see if it offered in your area.

An EPA Identification Number issued by DTSC is required for each site where used oil is accumulated or stored. A generator who accumulates used oil at two places in the same site needs only one EPA Identification Number. See the DTSC Fact Sheet “[EPA Identification Numbers](#).”

Tanks and containers that are used for the accumulation of used oil must be kept in good condition.

Tanks must be made of non-earthen, non-absorbing, rust-resistant material such as steel or oil-resistant plastic, and have adequate structural support to contain the used oil. There must be no severe rusting, no apparent structural defects or deterioration, and no leaking. All containers must have tight-fitting lids that are kept closed except when used oil is being added or removed. If a funnel is used in the bung hole of a container, it must either be removed when the container is not being added to (and the container closed), or be equipped with a valve or cover of some sort to prevent leakage if the drum should be turned over. Regular inspection and routine maintenance of all storage tanks and containers is required. Faulty tanks and containers must be repaired or replaced. Definitions of container and tank are given in California Code of Regulations, title 22, section 66260.10; the references to general tank and container management requirements are found in California Code of Regulations, title 22, section 66262.34 subsection (a)(1).

Secondary containment is required for storage tanks. This is a backup containment system designed to prevent the release and migration of wastes or accumulated liquids out of a storage tank or a storage tank system. Examples of secondary containment systems include an impervious bermed area or liner, a vault, or a double-walled tank.

Above-ground storage tanks and containers accumulating used oil, and fill pipes used to transfer used oil into underground storage tanks must be labeled with the words “USED OIL,” “HAZARDOUS WASTE,” and the initial date of accumulation. In addition, containers must be labeled with the name and address of the generator. California Code of Regulations, title 22, section [66262.34 subsection \(f\)](#) For shipping, containers must also be labeled as follows:

- HAZARDOUS WASTE - State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Health Services.
- Generator’s name and address

- Proper Department of Transportation (DOT) shipping name
- Uniform Hazardous Waste Manifest number and the shipping identification number.

Additional requirements for used oil generators are contained in the Health and Safety Code and California Code of Regulations, title 22 provisions cited at the beginning of this fact sheet.

### The Rebuttable Presumption

(Health and Safety Code section [25250.1, subdivision \(a\)\(1\)\(B\)\(v\)](#) and California Code of Regulations, title 22, section [66279.10](#))

Used oil handlers (e.g., generators, used oil collection centers, transporters, transfer facilities and used oil recycling facilities) are required to determine whether the total halogen content of each used oil shipment exceeds 1,000 ppm. Spent halogenated solvents, such as TCE and PCE, are federally regulated wastes. Used oil containing more than 1,000 ppm total halogens is *presumed* to have been mixed with halogenated hazardous waste and must be managed as a federal Resource Conservation and Recovery Act (RCRA) hazardous waste unless it can be demonstrated that such mixing has not occurred (i.e., unless the presumption is rebutted). This is called the “rebuttable presumption.”

If a generator, transporter or used oil collection center chooses to apply knowledge to rebut the presumption, it must be done in accordance with criteria specified in California Code of Regulations, title 22 sections [66279.10, subsection \(a\)\(1\)\(B\)](#) for generators, [66279.10, subsection \(a\)\(3\)\(B\)](#) for transporters, and [66279.10, subsection \(a\)\(6\)](#) for used oil collection centers.

Used oil transfer facilities and used oil recycling facilities are required to test each shipment of used oil for total halogens before accepting the shipment. See California Code of Regulations, title 22, section [66279.90 subsection \(a\)](#)

In order to rebut the presumption that the used oil shipment was mixed with RCRA hazardous waste, the used oil handler must demonstrate that the used oil was not mixed with halogenated hazardous waste. Where this demonstration is successfully made, the used oil is regulated as used oil rather than RCRA hazardous waste. The rebuttable presumption is deemed rebutted for the following three types of used oils where specified conditions (California Code of Regulations, title 22, section [66279.10, subdivision \(b\)](#)) are met:

1. metalworking oils or fluids containing chlorinated paraffins,
2. refrigeration oils contaminated with chlorofluorocarbons, and
3. used oil which is exclusively household “do-it-yourselfer” used oil or used oil from a conditionally exempt small quantity generator. (A conditionally exempt small quantity generator generates no more than 100 kilograms of RCRA hazardous waste in a month and does not accumulate more than 1,000 kilograms of hazardous waste onsite at any time. (40 C.F.R. § [261.5](#)).

## Transporting Used Oil

In general, California law requires that a registered hazardous waste transporter transport used oil. However, householders and other generators of used oil are allowed to transport up to 20 gallons of used oil per trip to an authorized used oil collection center if the oil is carried in containers that hold 5 gallons or less and specified conditions are met. If the generator of the used oil first gets permission from the used oil collection center, they may transport up to 55 gallons of oil in containers of not greater than 55-gallon capacity. Authorized used oil collection centers include certified used oil collection centers ([Public Resources Code section 48622](#)), recycle-only household hazardous waste collection facilities, or collection facilities operating pursuant to Health and Safety Code section [25250.11](#). Mobile maintenance operations (see below) may also transport up to 55 gallons of used oil in any one

vehicle at any one time from an off-site location to a consolidation point.

When used oil is transported by a registered hazardous waste transporter, it must be accompanied by either a standard hazardous waste manifest or a consolidated hazardous waste manifest. (Health & Safe. Code, § 25162). When a consolidated manifest is used, the driver is required to provide the generator (at the time of used oil pickup) with a legible copy of a receipt for each quantity of used oil received. The generator must maintain these receipts for 3 years. Each receipt must contain the following information:

Generator’s name, address, EPA Identification Number, contact person and telephone number. Note: as of January 1, 2002, the exemption from EPA number requirements for small generators of used oil was rescinded. (For more information, see the [EPA ID Number Fact Sheet](#))

- Generator’s signature or signature of generator’s representative,
- Date of shipment,
- State manifest number (pre-printed on the manifest),
- Volume, waste code(s) and shipping description of each type of used oil received,
- Name, address and identification number of the authorized facility to which the used oil is being transported,
- The transporter’s name, address and identification number,
- The driver’s signature,
- A statement, signed by the generator, certifying that the generator has established a waste minimization program to reduce the volume or quantity and toxicity of the hazardous waste to the degree, as determined by the generator, to be economically practicable.

Additional requirements for used oil transporters are contained in the statutes and regulations cited at the beginning of this fact sheet.

## Mobile Maintenance Operations Health and Safety Code section [25250.12](#)

Businesses that generate used oil in the performance of routine maintenance operations at off-site locations are subject to special requirements. Such businesses include off-site heavy equipment operations (e.g., construction vehicle fleets) and mobile oil-changing businesses providing oil changes for personal and business vehicles at the customer's location. The following requirements apply:

- The owner/operator of the business must have a point of consolidation for the used oil,
- The point of consolidation must not be at a residence or residential location,
- The business must have an EPA ID number. When a separate location is used for consolidation, both the maintenance business and the separate location must have EPA ID numbers,
- The transport vehicle must be owned by the business or by an employee of the business,
- The business is not required to register as a hazardous waste transporter as long as they transport no more than 55 gallons of used oil from off-site location(s) to the point of consolidation at any one time,
- The used oil is deemed to be generated at the point of consolidation upon consolidation,
- The used oil must be handled and stored at the point of consolidation in accordance with all applicable hazardous waste laws, and
- The consolidated used oil must be transported by a registered hazardous waste transporter from the point of consolidation to a permitted used oil recycling facility.

### *Spent Absorbents*

Absorbents that have been used to soak up miscellaneous drips and leaks of oil from machinery

or devices must be managed like any other waste, that is, by being characterized by the generator as hazardous or non-hazardous, and managed according to the appropriate regulations. They do not fall under the definition of used oil. But absorbents that have been used to soak up spills from used oil tanks and containers should be managed as hazardous wastes. Reusable fabrics, such as oily rags and coveralls, can be sent for commercial laundering. (Health and Safety Code section [25144.6](#).) Reusable absorbents being sent off for recycling can be managed as allowed by California Health and Safety Code section [25143.2](#).

Many municipal waste programs prohibit the disposal of oily waste to the municipal trash even when the oily wastes pass the hazardous waste tests. You must check with your local CUPA and solid waste program to see how oily wastes are managed in your area. Household holders can collect their oily wastes for household hazardous waste events. If your business commonly generates spent oily absorbent, we recommend that you contact your local Pollution Prevention Program to see if there is a different management method or product that can reduce your generation of waste. See the DTSC Pollution Prevention Webpage at <http://www.dtsc.ca.gov/>.

### *Miscellaneous*

It is unlawful to dispose of used oil on land, to sewers and other water systems, or to burn used oil as a fuel or by incineration, including in space heaters, boilers and similar devices. The use of used oil as a dust suppressant (road oiling) or for insect or weed control is prohibited. Health and Safety Code section 25250.5.

Generators of used oil who also operate used oil collection centers, such as service stations, are advised to not mix the used oil generated in their business with the used oil from the collection center. The rebuttable presumption is not rebuttable if used oil from household holders or conditionally exempt small quantity generators has been mixed with used oil from other sources.

## Managing USED OIL and fuel FILTERS

(Cal. Code Regs., Title 22, § [66266.130](#), Health And Safety Code 25250.22)

### *Introduction*

Used oil filters may exhibit hazardous characteristics for lead, other heavy metals and petroleum-

derived compounds. This section of the fact sheet outlines the special regulations that DTSC adopted in 1991 to encourage recycling of used oil filters. Unless they are proven to be non-hazardous by laboratory analysis, used oil filters that are **not** being managed according to the used oil filter regulations must be managed as fully regulated hazardous waste. Improper management of used oil filters can result in significant fines and penalties. Do not dispose of used oil filters in trashcans and at non-hazardous waste landfills.

Fuel filters, including gasoline and diesel fuel engine and fuel dispenser filters, usually exhibit hazardous waste characteristics, and previously were **not** allowed to be managed in the same manner as used oil filters. However, legislation enacted in 2004 (AB2254, Aghazarian) allows spent fuel filters to be managed with spent oil filters after January 1, 2005. Health and Safety Code section 25250.22 allows spent fuel filters to be mixed with used oil filters under certain conditions. Fuel filter management under this statute will be discussed in this document following the oil filter management details.

### *Summary of Generator Management Requirements for Used Oil Filters:*

- Drain and collect the free-flowing oil from the filters and manage the collected oil under the requirements for used oil.
- Properly contain, label and store the used oil filters.
- Store them within the allowed time limits.
- Transport them under a bill of lading to an approved destination for purposes of metal reclamation.

- Keep a copy of the bill of lading for three years.

## Detailed Management Requirements

### *Draining: How much is enough?*

Used oil filters must be drained of all free-flowing oil before they are placed in storage containers. The term “free-flowing” means a continuous stream of used oil from the filter when it is turned over. Used oil that flows drop-by-drop is not considered to be free-flowing. If the filter is equipped with a flapper valve or other device that blocks the drainage, the valve must be opened or the filter case punctured or opened to allow the residual used oil to drain freely.

Oil filter crushers are commonly used by oil filter generators to remove oil and compact oil filters for shipping. The used oil filter regulations allow generators to pierce and crush drained oil filters to prepare them for recycling, and this treatment does not require a permit. The generator must properly manage all used oil and other residues that drain from the filters as a result of the crushing, puncturing or other activities.

### *Containers: What to keep them in?*

Since oil filters can still drip oil after they have been drained, oil filters must be placed in a container that can capture all of the used oil that continues to drain from the filters.

The containers of used filters must be:

- labeled as “Drained Used Oil Filters,”
- clearly marked with the initial date of accumulation or receipt. The initial date of accumulation is the date when the first filter is placed in the container, or the date when a container of filters is received at a second location,
- rainproof, non-leaking, closed containers, and
- closed and sealed during transportation so that used oil will not spill out if the containers are placed or fall on their sides.

***Storage: How much and for how long?***

Generators may store up to one ton of used oil filters for a period of up to one year, and storage of one ton or more of used oil filters is limited to 180 days, unless the storage facility has a hazardous waste permit authorizing longer storage. One ton of filters is approximately equivalent to nine drums of uncrushed filters or six drums of crushed filters.

***Allowed Destinations: Where can I send them?***

The purpose of the oil filter regulations was to encourage recycling of the metal cases and oil. Because of this, you may only send them to certain facilities. The only allowed destinations for used oil filters are:

- to a smelter or scrap metal processor for recycling,
- to a municipal solid waste incinerator for energy recovery, only if the remaining metal casings then are sent to a smelter or scrap metal processor for recycling,
- to a storage or consolidation facility that then transfers the filters to a smelter, scrap metal processor or municipal solid waste incinerator as described above. Households and small businesses will usually give their filters to a person stores and consolidates them, or
- to an authorized hazardous waste facility. Some hazardous waste facilities accept used oil filters for consolidation.

***Transportation: Who and how?***

You can either take your filters to a destination facility in your own vehicle, or you can hire a shipper to take them there for you. Before you ship, you need to be sure that you:

- only transport properly drained filters,
- prevent any spillage of used oil by sealing the containers tightly before transportation and inspecting them to be sure that they do not leak,
- secure the containers in the transport vehicle to prevent movement or tipping during transportation,

- use a bill of lading with each shipment of used oil filters, and include the following information on the bill of lading:
  - Generator's name, address, and telephone number
  - Transporter's name, address, and telephone number
  - Name, address and telephone number of the receiving facility
  - Quantity and capacity of the containers in the shipment
  - Date of transportation
- A copy of each bill of lading must be kept on file by the transporter, generator and receiving facility for at least 3 years. Unlike the hazardous waste manifest, copies do not have to be sent to DTSC.

**Management Requirements for Spent Fuel Filters**

The passage of AB 2254 added section 25250.22 to the California Health and Safety Code. This section greatly simplifies the management of spent fuel filters by allowing them to be handled and accumulated along with used oil filters, as long as certain requirements are followed. Failure to manage fuel filters in accordance with the legal requirements could result in you being cited for violations of the hazardous waste laws, and if your failure to manage them properly resulted in fire, explosion or injury, the penalties could be severe.

Used fuel filters may be managed under the same standards as used oil filters that have been discussed above, unless the DTSC adopts regulations specific to fuel filters. In addition, they must meet all of the following requirements:

1. The filters must be stored and otherwise managed in accordance with applicable state and local fire code regulations,
2. Gasoline filters must be stored in containers that are designed to prevent ignition of the gasoline and that are labeled "used oil

and gasoline filters.” Check with your local fire marshal to see if they require grounding, safety lids, or special marking,

3. When the filters are ready for transportation to a reclaimer or intermediate handler, the filters must be packaged, marked, labeled and transported in accordance with the applicable Department of Transportation requirements for those materials.
4. If any gasoline or used oil commingled with gasoline is removed from the used oil and fuel filter accumulation container, it must be evaluated and handled properly.

Alternately, fuel dispenser filters from gasoline and diesel filling station pumps may be managed as hazardous waste under the [consolidated manifesting](#) provisions of Health and Safety Code section 25160.2. If fuel dispenser filters are being transported under consolidated manifesting, the [transporter](#) may place different generators' fuel filters into one container for shipment on a single hazardous waste manifest that is held by the transporter.

## USEFUL CONTACT INFORMATION

### *DTSC Regulatory Assistance Officers*

If you cannot find the answer to your question in this fact sheet, contact the DTSC Regulatory Assistance Officers. You can call them at 800-728-6942, or contact them through the Department of Toxic Substances Control website — <http://www.dtsc.ca.gov> — follow the “Contact Us” and “Regulatory Assistance Officers” links to the page listing each of the Regulatory Assistance Officers’ [email](#) addresses.

DTSC Regulatory Assistance Officers’ role is to provide informal guidance regarding management of hazardous waste for the convenience of the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.

We also encourage you to complete a Cal/EPA Customer Satisfaction survey. <http://www.calepa.ca.gov/Customer/> so that we may improve our Regulatory Assistance Officer Program.

## OTHER USEFUL NUMBERS

*For specific locations of authorized used oil collection centers in your area:*

### **Cal/EPA Recycling Hotline:**

1-(800) CLEAN-UP or 1-(800) 253-2687 or

**Additional information on EPA ID Numbers, see the online fact sheets** [“EPA Identification Numbers”](#) and [“Hazardous Waste Generator Requirements”](#)

### **DTSC Generator Information Services Section (GISS):**

(916) 255-1136 or (800) 618-6942, California only. GISS processes permanent ID number applications, and issues temporary California EPA ID numbers over phone.

### **Report illegal disposal or management of used oil or used oil filters, contact:**

Your local [Certified Unified Program Agency](#) or DTSC Waste-Alert Hotline at (800) 698-6942 or 911 - Only if you see a crime (such as disposal to a storm drain) in progress.

Local government contacts:

[http://www.dtsc.ca.gov/InformationResources/local\\_contacts.cfm](http://www.dtsc.ca.gov/InformationResources/local_contacts.cfm)



