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## *Used Oil Fact Sheet # 4*

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# MATERIALS CONTAINING OR OTHERWISE CONTAMINATED WITH USED OIL

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### Purpose

This fact sheet provides guidance on the management of materials that contain or are otherwise contaminated with used oil under DEP's used oil regulations.<sup>1</sup> This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations. It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

### What Materials Are Addressed by this Fact Sheet?

Some common examples of materials that can fall under the category of "materials containing or otherwise contaminated with used oil" include the following:

- Spent rags and wipers that contain used oil (including both cloth and paper types).
- Spent sorbents that contain used oil (including speedi-dri, absorbent pigs, clay, vermiculite, and other types).
- Used oil filters (including those from motor vehicles, as well as other types).
- Discarded equipment, machinery, appliances, and mechanical parts that contain used oil.
- Metal turnings, chips, and scrap metals that contain used oil.
- Soils that are contaminated with used oil.
- Wastewaters that contain used oil.<sup>2</sup>

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<sup>1</sup>The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes ("CGS") Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

<sup>2</sup>Not every oily wastewater necessarily qualifies for designation as a used oil. In order to be considered a used oil, an oily wastewater must contain legitimately recoverable amounts of used oil. For complete details on this issue, see Section 7 of DEP's used oil guidance document entitled Management of Used Oils in Connecticut.

## What Types of Materials Are *NOT* Addressed by this Fact Sheet?

Certain types of materials similar to the above are *not* considered “materials containing or otherwise contaminated with used oil” and are therefore not addressed by this fact sheet. Two notable examples include the following:

- Mixtures of used oils and other materials. These materials do not contain used oil at the point of generation, but are instead mixed with used oil afterwards. Some of these mixtures are regulated as used oil and others are not. For more information on these materials, see DEP’s Used Oil Fact Sheet # 5, entitled “Mixtures of Used Oil and Other Materials.” Additional information on this subject may also be found in Sections 5 and 6 of DEP’s used oil guidance document, Management of Used Oils in Connecticut. See the last section of this fact sheet for information on how to obtain these guidance documents.
- Spent hazardous waste solvents or other hazardous wastes that contain used oil. Although they may contain or be contaminated with used oil at the point of generation, these materials are subject to regulation as *hazardous wastes*, not used oil. For example, hazardous spent mineral spirits parts washer solvent that is generated from cleaning used oil off of parts is regulated as hazardous waste, not used oil.

## How Are these Materials Regulated?

DEP’s used oil regulations incorporate the federal used oil regulations at 40 CFR Part 279, with certain additions and modifications. One of the provisions incorporated by DEP (i.e., 40 CFR 279.10(c)) specifically addresses materials which contain or are otherwise contaminated with used oil. Under this provision, materials containing or otherwise contaminated with used oil are considered to be used oils and are therefore subject to the used oil regulations.

However, if the used oil can be drained or removed from such a material so that there are no visible signs of free-flowing oil left behind, the de-oiled material would no longer be subject to the used oil regulations. Instead, the material would revert to being an ordinary solid waste, and would be subject to a hazardous waste determination under section 40 CFR 262.11 of the federal hazardous waste regulations. If found to be hazardous, the material must be managed and disposed of as a hazardous waste. If found to be *non-hazardous*, it would have to be managed as a so-called “Connecticut-regulated waste,” or as a “special waste.” Either way, it may not be disposed of in the ordinary trash. For more information on Connecticut-regulated wastes, see the DEP fact sheet entitled “Non-RCRA-Hazardous Wastes/Connecticut-Regulated Wastes.” (See the last section below for information on how to obtain this fact sheet.) For more information on special wastes, see the page entitled “Special Wastes or Asbestos Disposal Authorization” on the DEP website ([www.ct.gov/dep](http://www.ct.gov/dep)).

A few important additional points about the regulation of materials containing or otherwise contaminated with used oil under DEP’s used oil regulations:

- (1) Any used oils that are removed from such materials are still subject to regulation under used oil requirements.
- (2) If the de-oiled material is burned for energy recovery, and has a substantial fuel value (i.e., over 5000 BTU per pound), it remains subject to regulation as a used oil even if the used oil

has been removed from it such that it no longer has visible signs of free-flowing oil.<sup>3</sup> A de-oiled material that is burned for energy recovery, but does not have a substantial fuel value (i.e. does not have a fuel value over 5000 BTU per pound), is treated the same way as any other de-oiled material, as described above.

### **How Must These Materials Be Handled?**

If subject to regulation as used oil as described above, materials that contain or are otherwise contaminated with used oil must be handled the same as any other used oil.

Generators of these wastes must mark them with the words “used oil,” and store them on an impervious surface. If stored outdoors, the generators must also place these containers of these materials within a secondary containment system, to ensure that used oil is not released to the environment. Generators must also comply with all the other used oil generator requirements with respect to these materials. For more information on used oil generator requirements, see DEP Used Oil Fact Sheet #7, “Used Oil from Motor Vehicle Servicing Operations,” or DEP Used Oil Fact Sheet # 8, “Used Oil Generated in Industry and Commerce.” See the last section of this fact sheet for information on how to obtain these fact sheets.

Generators that treat a material containing or otherwise contaminated with used oil to remove the used oil from it, must manage the material in compliance with used oil requirements until the used oil is removed. In addition, any removed used oil must be managed in compliance with the used oil generator requirements.

Persons that collect, transport, store, treat, or recycle materials containing or otherwise contaminated with used oil are subject to the applicable requirements for used oil collection centers and aggregation points, used oil transporters, used oil transfer facilities, used oil processors, used oil marketers, and used oil burners. For more information on the requirements that apply to these types of handlers, refer to section 9 of the DEP guidance document entitled Management of Used Oils in Connecticut. See the last section of this fact sheet for information on how to obtain this document.

### **Are There Special Requirements for Used Oil Filters?**

As indicated above, if used oil is removed from a material that contains or is otherwise contaminated with used oil so that the material no longer has visible signs of free-draining oil, it would no longer be regulated as a used oil. Normally, such a material would be subject to a full hazardous waste determination (including the TCLP), and if found to be hazardous, would have to be handled accordingly.

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<sup>3</sup>**Note: burning in an incinerator or resource recovery facility is not considered burning for energy recovery, but rather burning for disposal.**

However, this is not necessarily the case for used oil filters. Under a July 12, 1991 DEP policy, one type of used oil filters – automotive used oil filters – do not have to be tested by TCLP or disposed of as hazardous waste, as long as the following conditions are met:

- (1) The filters are generated from automobiles (not from trucks or other types of vehicles).
- (2) The used oil is removed from the filters by puncturing the filter case and gravity draining for greater than 24 hours, or by crushing the filters either pneumatically or hydraulically. (A combination of both draining and crushing is considered best.)
- (3) The used oil drained from the filters is recycled in accordance with the used oil regulations. And,
- (4) The drained filters cases are disposed of in a permitted solid waste landfill (or better yet, recycled as scrap metal).

In addition, a section of the federal hazardous waste regulations that are incorporated by DEP's Hazardous Waste Management Regulations provides an exemption for a certain class of used oil filters. More specifically, the federal provision at 40 CFR 261.4(b)(13) provides an exemption from the hazardous waste regulations for non-terne-plated used oil filters (terne is an alloy of tin and lead). This exemption can be applied to all types of engine oil filters used in light and heavy-duty vehicles (i.e., cars, vans, trucks, buses, heavy equipment, etc), provided the following conditions are met:

- (1) The filters have not been mixed with listed hazardous waste.
- (2) The filters have been gravity hot-drained using one of the following methods:
  - Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
  - Hot-draining and crushing;
  - Any other equivalent hot-draining method that will remove used oil.

It should be noted, however, that this exemption does not apply to non-engine oil filters (for example, it does not apply to transmission oil filters or fuel filters). It also does not apply to engine oil filters from vehicles other than light and heavy-duty vehicles (for example, it does not apply to locomotive engine oil filters). These types of filters are subject to a hazardous waste determination under 40 CFR 262.11, and, if found to be hazardous, must be managed as such.

### **Does the Scrap Metal Exemption Apply to Any of These Materials?**

Pursuant to a provision in the federal hazardous waste rules at 40 CFR 261.6(a)(3)(ii), scrap metals are exempt from regulation as hazardous wastes. DEP's hazardous waste regulations incorporate this provision, as long as the metals in question are not ignitable or reactive. As a result, once any used oil residues have been removed, non-ignitable and non-reactive scrap metal items (including oil filter casings, used equipment, machinery, appliances, mechanical parts, metal turnings, chips, etc.), are not subject to a hazardous waste determination and do not have to be handled as hazardous waste.

It should be noted, however, that this exemption applies only if the materials are legitimately recycled for their scrap metal value. It does not apply if they are disposed of, stockpiled indefinitely without being recycled, or sent to a facility which is not a legitimate scrap metal recycler.

## How about Oily Wastewaters?

Like filters, sorbents, etc., oily wastewaters can also fall under the category of materials containing or otherwise contaminated with used oil.<sup>4</sup> As a result, although initially subject to regulation under used oil requirements, oily wastewaters can be de-oiled and released from these requirements, as described on pages 2 – 3 of this fact sheet. However, these de-oiled wastewaters would remain subject to a hazardous waste determination under 40 CFR 262.11, and, if found to be hazardous, must be handled as hazardous waste. If found to be *non*-hazardous, they may be handled as so-called “Connecticut-regulated wastes,” or treated and discharged via an on-site wastewater treatment system under a permit from DEP’s Water Management Bureau. For more information on Connecticut Regulated wastes, see the DEP fact sheet “Non-RCRA Hazardous Wastes/Connecticut-Regulated Wastes.” (See below for information on how to obtain this fact sheet.) For more information on DEP Water Bureau permits, see the water permitting web page on the DEP web site ([www.ct.gov/dep](http://www.ct.gov/dep)), or call (860) 424-3018.

In addition, there is a separate provision in the federal used oil rules which applies to certain types of oily wastewaters. This provision, which may be found at 40 CFR 279.10(f), concerns oily wastewaters that:

- (1) Are treated in wastewater treatment systems that are permitted under the Clean Water Act (please note that this would include both facilities with a sewage discharge permit from DEP and those discharging directly to a water body under an NPDES permit); and,
- (2) Contain *de minimis* quantities of used oil (defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations, or small amounts of oil lost to the wastewater treatment system during washing or draining operations).

Such wastewaters are exempt from regulation as used oils, as long as the oil that is in them was not discarded as a result of abnormal manufacturing operations (i.e., substantial leaks, spills, etc.). In addition, any used oils, residues, or sludges that are produced as a result of the treatment of these oily wastewaters would remain subject to regulation as used oils.

## Where Can I Get More Information on Used Oil?

More information on how to comply with used oil regulations may be found in DEP’s comprehensive, 41-page used oil guidance document entitled Management of Used Oils in Connecticut. DEP also has a number of other helpful fact sheets on the subject of used oil. To obtain copies of any of these documents, or if you have any questions concerning used oil, please contact DEP via the address/telephone numbers listed at the top of this page. Information on used oil and other DEP requirements is also available on the DEP website at [www.ct.gov/dep](http://www.ct.gov/dep).

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<sup>4</sup> Subject to certain limitations – see footnote 2 on page 1.