



# Used Oil Management

Division of Waste and Hazardous Substances, Compliance and Permitting Section

## What is Used Oil?

Used oil is any oil that has been refined from crude oil, or any synthetic oil that has been used and as a result of such use, is contaminated by physical or chemical impurities. Visit [epa.gov/hw/reference-table-question-what-used-oil](https://www.epa.gov/hw/reference-table-question-what-used-oil) for a list of common types of used oils that are subject to the used oil regulations of Delaware's *Regulations Governing Hazardous Waste* (DRGHW) Part 279.

## Who is a Used Oil generator?

A used oil generator is any person, by site, whose act or process produces used oil, or whose act first causes used oil to become subject to regulation. Many businesses, as well as governments and school generate used oil through activities such as vehicle repair, manufacturing, and industrial operations, use of engines and compressors, metalworking, machine lubrication, and hydraulic equipment repair. The regulations of DRGHW Part 279 presume that used oil is to be recycled. Used oil generators disposing of used oil are subject to the requirements for hazardous waste generators, including the need to make an accurate hazardous waste determination.

However, the regulations in this fact sheet do not apply to household "do-it-yourselfers" or to farmers who generate an average of 25 or less gallons per month of used oil from vehicles or machinery used on the farm in a calendar year. DNREC recommends that household "do-it-yourselfers" and small farmers store used oil in closed containers that are in good condition, label the containers with the words "Used Oil" and take their used oil to a Delaware Solid Waste Authority (DSWA) drop-off center that accepts them. Visit [dswa.com/programs/oil-oil-filters](https://www.dswa.com/programs/oil-oil-filters) to locate the nearest drop-off center.

## Used Oil Storage

Used oil must be stored in tanks or containers that are in good condition (e.g., no severe rusting, structural defects or deterioration) and not leaking. The tanks or containers must be closed during storage, except to add or remove oil. Any aboveground storage tank greater than 250 gallons or underground storage tank greater than 110 gallons must be registered with the Tanks Compliance Section. Contact Tanks Compliance at 302-395-2500 or visit [de.gov/tanks](https://de.gov/tanks) for more information.

## Labeling

Containers and aboveground tanks that store used oil must be labeled or marked clearly with the words "Used Oil". Fill pipes that transfer used oil into underground tanks must be labeled or marked clearly with the words "Used Oil."

## Spills or Releases

Upon the detection of a release of used oil to the environment, the generator must immediately perform the following cleanup steps:

- Stop the release;
- Contain the released used oil;
- Clean up and manage—through storage, burning or shipping— the released used oil and used oil contaminated materials and wastes;
- If necessary, repair or replace any leaking used oil containers or tanks prior to returning them to service.

Note: Releases of used oil to the environment may also be subject to the reporting requirements of 7 Del Admin Code 1203 Reporting of a Discharge of a Pollutant or Air Contaminant.

## Wastewaters Contaminated with Used Oil

Wastewaters contaminated with *de minimis* quantities of used oil (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) are not subject to the used oil regulations.

Used oil that is incidentally captured by a hydrocarbon recovery or wastewater treatment system as part of routine process operations at a petroleum refining facility, and is inserted into the facilities process, is not subject to the used oil regulations.

## Materials Containing or Contaminated with Used Oil

If used oil has been drained or removed from the material so that no visible signs of free-flowing oil remain, then the material is not used oil; and is not subject to the used oil regulations (the drained/ removed oil from the material is subject to used oil regulations). However, be aware that the waste material is subject to the solid waste regulations and may also be subject to the hazardous waste regulations. Additionally, if the waste material is burned for energy recovery, then the material remains subject to the used oil regulations.

## Used Oil and Fuel Mixtures

Mixtures of used oil and fuels or fuel products are subject to the used oil regulations, provided the mixture is recycled. Exception: mixtures of used oil and diesel fuel mixed on-site by the generator for use in the generator's own vehicles.

## Used Oil and Waste Mixtures

Mixing waste with used oil can degrade its recyclability and may result in higher management costs for the generator. There is no exception allowing any generator, including very small quantity generators (VSQGs), to mix used oil and hazardous waste. Mixing used oil with a characteristic hazardous waste (ignitable, reactive, corrosive, or toxic) is prohibited. Incidental mixtures are subject to all applicable hazardous waste regulations.

Mixing used oil with a listed hazardous waste (e.g., F001, F003, F005) causes the resulting waste to be subject to all applicable hazardous waste regulations. For more information on hazardous waste regulations visit the [Basic Business Guide to Hazardous Waste Management](#) fact sheet.

Additionally, used oil containing more than 1,000 ppm total halogens is presumed to be mixed with listed halogenated hazardous waste. Therefore, the mixture must be managed as hazardous waste. This presumption can be rebutted by showing that the used oil does not contain hazardous waste, for example, by use of an analytical test. Please refer to §279.10(b)(1)(ii) for the complete "Rebuttable Presumption" regulatory requirement.

## Materials Derived from Used Oil

Materials reclaimed from used oil that are used beneficially, and are not burned for energy recovery, are:

- Not used oil;
- Not solid waste, and subsequently not hazardous waste;
- Not subject to used oil or hazardous waste regulatory requirements.

Materials that are burned for energy recovery are subject to all applicable used oil regulations.

Materials derived from used oil that are disposed of are:

- Not used oil;
- Solid wastes;
- Subject to the regulatory requirements for hazardous waste in DRGHW.

Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to used oil regulation.

## Burning Used Oil in On-Site Space Heaters

Generators may burn used oil in on-site space heaters in accordance with §279.23, provided that:

- The heater burns only used oil that the owner or operator generates, or used oil received from household "do-it-yourselfers";
- The heater has a maximum capacity of not more than 0.5 million BTU per hour; and
- The combustion gases from the heater are vented to the ambient air.

Please be aware an air permit may be required. Please contact DNREC's Division of Air Quality at 302-323-4542 for more information.

## Shipping Used Oil Off-Site

Used oil generators offering used oil for off-site shipment must use a transporter who has an EPA identification number and a Delaware Hazardous Waste Transporter Permit. Manifesting used oil shipments is not required.

Used oil generators may self-transport their used oil without an EPA identification number and a Delaware Hazardous Waste Transporter Permit to a drop-off center or aggregation point if:

- The used oil is transported in a vehicle owned by the generator or an employee of the generator;
- The generator transports no more than 55 gallons of used oil at any time;
- The generator transports the used oil to a drop-off center that is authorized by DNREC to manage used oil, or to an aggregation point that is owned and/or operated by the same generator; and
- The generator maintains an on-site written record of all shipments of used oil for three years.

This fact sheet is a summary provided as a courtesy to businesses. It is not intended as a substitute for 7 DE Admin. Code 1302, Delaware's *Regulations Governing Hazardous Waste* (DRGHW), Parts 260-266, 268, 273 and 279.

[regulations.delaware.gov/AdminCode/title7/1000/1300/1302/](https://www.regulations.delaware.gov/AdminCode/title7/1000/1300/1302/)



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