

Used Oil Requirements for Service and Retail Establishments

Used oil facilities (facilities that generate used oil and/or accept it from do-it-yourself oil changers and store it in tanks or containers) are covered by the Subpart 374-2 Used Oil regulations. These regulations reference the Petroleum Bulk Storage regulations in Part– 613.

Used Oil Requirements – Subpart 374-2

The Used Oil regulations apply to any site (industrial, commercial, service establishment, government facility, public or private) that stores or manages used oil.

Requirements all used oil facilities have in common

- ▶ Aboveground tanks and drums must be in good condition (no severe rusting, apparent structural defects or deterioration), not visibly leaking, and must be labeled “USED OIL.” The label must also include the tank’s design and working capacities.
- ▶ All underground and aboveground used oil storage tanks must be constructed and operated in accordance with the Petroleum Bulk Storage (PBS) regulations (Part 613) and must be registered with DEC regardless of the size of the tank or total storage capacity of the facility.
- ▶ Fill pipe(s) for underground tanks must be labeled with the tank capacity and with the words “USED OIL.”
- ▶ All used oil is assumed to be off-specification unless documented to be on-specification.
- ▶ Upon detection of a release to the environment, the owner must:
 - Stop the release; contain the released used oil
 - Clean up and properly manage the released used oil and other material
 - Repair or replace any leaking containers, tanks, piping, or ancillary equipment
 - Notify the DEC spills hotline within 2 hours of discovery at **(800) 457-7362**

Facilities that generate used oil in the course of their business or by accepting from do-it-yourself oil changers (DIYs) are used oil generators. Their management standards are at Section 374-2.3 and include additional requirements for service and retail establishments concerning the acceptance of used oil from the public.

Additional Requirements for Service Establishments and Retailers

- ▶ A “*Service establishment*” means any automobile service station, including gas only outlets, or any other retail outlet or boat marina that sells at least 500 gallons of lubricating oil per calendar year and has an on premises oil changing operation.
- ▶ A “*Retail establishment*” is any vendor that sells more than 1,000 gallons of lubricating oil per calendar year.
- ▶ Service establishments must accept (at no charge) up to 5 gallons of used engine lubricating oil per person per day. This applies only to DIY-generated used oil, not to used oil generated from non-DIYs, such as other businesses, government agencies, and non-profit organizations.



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- ▶ Service establishments must conspicuously post a sign in a location that is always open to public view stating "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE" in letters at least one inch high and legible from 25 feet outside of the establishment's building. The sign may also state that used oil will be accepted only during normal business hours; those hours may also be included on the sign.
- ▶ In the event the DEC orders a service establishment's used oil tank out-of-service for failure to comply with PBS regulatory requirements, the establishment is not relieved of its obligation to accept used oil from DIYs.
- ▶ Establishments may require that DIYs only bring their used oil in rigid screw-top closed containers.
- ▶ Establishments may refuse to accept used oil if it has been contaminated through other than ordinary and normal use.
- ▶ Establishments are prohibited from imposing a separate oil recycling or disposal fee upon their service customers.
- ▶ Establishments may refuse to accept used oil if their tanks or drums are full, but the used oil must be removed as expeditiously as possible by a used oil transporter possessing an EPA ID number and, if applicable (*i.e.*, when hauling greater than 2,000 pounds or about 250 gallons), a Part 364 waste hauling permit. The establishment must inform DIYs when removal will occur. To obtain information on Part 364-permitted transporters in a particular area, please contact the Albany Central Office's Waste Transporter Section at (518) 402-8792. Generators may self-transport up to 55 gallons of their used oil from one of their facilities to another (owned by the same generator) without a Part 364 permit or EPA ID number.
- ▶ A retail establishment has the option of either accepting used oil from the public in the same manner as a service establishment, or else arrange to have another establishment accept the oil in its place.
- ▶ Retail establishments arranging to have another entity accept used oil on their behalf must post a sign stating: "USED OIL FOR RECYCLING WILL BE ACCEPTED BY (*the name and address of the contracted establishment*) AT NO CHARGE."

Used Oil: Petroleum Bulk Storage Requirements – Part– 613

The requirements of these regulations apply to tanks of any size at any size facility but do not apply to containers (*e.g.*, drums) or oil/water separators.

These regulations require:

- ▶ Registration - any aboveground or underground tank must be registered with either DEC's Division of Environmental Remediation (DER) or applicable delegated counties (Nassau, Suffolk, Westchester, Cortland). New tanks must be registered as they are brought into service. DEC requires registration fees to be paid every 5 years, unless the total storage capacity of petroleum at the site is 1,100 gallons or less (inclusive of used oil; please refer to the PBS fee worksheet on DEC's Bulk Storage Forms and Instructions webpage [here](#)).

Underground Storage Tanks require compliance with:

- ▶ Leak detection – the date of installation of the tank and the final disposition of the used oil (*i.e.*, to be used exclusively on-site or shipped off-site) dictate the acceptable methods of leak detection for the used oil tank. Please refer to 613-2 and 613-3 to determine the applicable regulations for the tank. Appropriate leak detection methods can be found in 613-2.3 and 613-3.3 respectively.



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- ▶ Closure requirements - any tank that is going to be closed must be emptied, cleaned, and either removed or filled in-place with a solid inert material. Please refer to 613-2.6 and 613-3.5 for closure requirements for underground storage tanks. Note that the fire code requires tanks to be removed rather than filled in place unless it is physically impractical; check with the local code enforcement officer for more information.
- ▶ Operator Training – underground tank systems for which the used oil is not consumed on-site must have trained and designated operators for their tank systems. Please refer to 613-2.5 for operator requirements.

Environmental Protection Agency (EPA) Underground Storage Tank Regulations

- ▶ EPA has additional requirements for underground tanks that require financial responsibility in the event of a release of petroleum to the environment and additional testing and monitoring for spill and overflow prevention devices. These requirements can be found in the federal regulations ([40 CFR 280](#)).

Aboveground Storage Tanks require compliance with:

- ▶ Monthly Inspections - all aboveground tank systems require monthly visual inspections of the tank, piping, and ancillary equipment to ensure that they are in good working condition.
- ▶ Ten-year Inspections - aboveground tanks (installed before December 27, 1986) with a design capacity of 10,000 gallons or greater, or smaller tanks located within 500 feet of a *sensitive receptor* (see section 613-4.1(b)(1)(v)(b) for definition), are required to have a structural inspection every 10 years to ensure that the tank is in good condition. This requirement does not apply to tanks that are entirely aboveground, such as tanks on skids or cradles.
- ▶ Secondary Containment - aboveground tanks with a design capacity of 10,000 gallons or greater, or smaller tanks located within 500 feet of a *sensitive receptor* (see section 613-4.1(b)(1)(v)(b) for definition), are required to have secondary containment around the tank.
- ▶ Labeling, gauge, and valve requirements - aboveground tanks are required to have proper labeling (*i.e.*, design and working capacities, tank registration number, and API color code symbol [purple square for used oil]), as well as gauge(s) and valves to control the flow of product.
- ▶ Closure Requirements - any tank that is going to be closed must be emptied, cleaned, and either removed or secured in place with the date of permanent closure stenciled on the tank. Please refer to 613-4.5 for closure requirements for aboveground storage tanks.

More information on PBS regulations and how they apply to used oil can be found on DEC's bulk storage webpages [here](#).



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