

Hazardous Waste Management

Transportation of Absorbent Materials Contaminated with Used Oil

Information presented in this fact sheet is intended to provide a general understanding of the regulatory requirements governing the transportation of absorbent materials contaminated with used oil. This information is not intended to replace, limit, or expand upon the complete regulatory requirements found in Division 14 of the Alabama Department of Environmental Management Administrative Code.

WHAT IS USED OIL?

According to ADEM Admin. Code r. 334-14-1-.02(a)301., "used oil" is oil (including any oil that has been refined from crude oil as well as any synthetic oil) that has been used and as a result of such use is contaminated by physical or chemical impurities. Materials such as motor oil, grease, metalworking fluid, heat transfer fluid, transmission fluid, and brake fluid become used oil when they have been used as intended and, because of that use, have become contaminated with physical or chemical impurities and will no longer be used for their intended purpose. New oil (i.e., unused product) is not used oil, even if it is discarded.

WHAT RULES / REGULATIONS ARE APPLICABLE TO THE TRANSPORTATION OF USED OIL?

A used oil transporter is any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, or any person who owns or operates a used oil transfer facility. Used oil transporters must comply with the requirements of ADEM Admin Code r. 335-14-17-.05, which include the requirement to obtain a used oil transporter permit from ADEM and the requirement to maintain financial assurance. The used oil transporter standards apply to all transporters except:

- 1) A used oil generator who transports used oil only within the physical boundaries of the generator's property;
- 2) A used oil generator who transports 55 gallons of used oil or less in a vehicle he or she owns to a regulated used oil collection center; and
- 3) A person who transports used oil generated in his or her household to a regulated used oil handler.

NOTE

Any person who imports used oil from abroad or who exports used oil outside of the United States is subject to the requirements of ADEM Admin. Code r. 335-14-17-.05 from the time the used oil enters to the time the used oil exits the United States.

ARE ABSORBENT MATERIALS CONTAMINATED WITH USED OIL SUBJECT TO THE USED OIL RULES / REGULATIONS?

Pursuant to ADEM Admin. Code 335-14-17-.02(c)1., absorbent materials that contain used oil are not considered to be used oil if the used oil has been drained or removed from the materials so that no visible signs of free-flowing oil remain. After the used oil is removed, the absorbent materials are not subject to the used oil rules / regulations unless the materials are burned for energy recovery (if burned for energy recovery, the materials will be regulated as used oil). Any absorbent materials that release visible amounts of used oil must be managed as used oil.

NOTE

Since new oil (i.e., unused product) is not regulated as used oil, absorbent materials used to contain spills or releases of new oil do not contain used oil and are not subject to the used oil regulations.

WHAT RULES / REGULATIONS ARE APPLICABLE TO THE TRANSPORTATION OF ABSORBENT MATERIALS CONTAMINATED WITH USED OIL?

Pursuant to ADEM Admin. Code 335-14-17-.02(c)3., all oil drained or removed from materials contaminated with used oil is subject to regulation as used oil. During storage prior to transportation, absorbent materials in containers may release small amounts of free-flowing oil due to gravity and pressure. Used oil released in this manner may then accumulate at the bottom of the container, forming a layer of used oil. The applicable regulations do not establish a specific amount of used oil that should be removed from absorbent materials. Regardless of how much free-flowing used oil is released from oil-contaminated absorbents while in storage, such used oil is subject to regulation as used oil, including the used oil transporter requirements of ADEM Admin. Code r. 335-14-17-.05.

A person who transports containers of absorbent materials in which no free-flowing used oil is present is not considered a used oil transporter and is not required to obtain a used oil transport permit from ADEM. However, a person who transports containers of absorbent materials that also contain free-flowing used oil (including used oil that was released from the absorbent materials during storage) is a used oil transporter and must comply with all requirements of ADEM Admin. Code r. 335-1-7-.05 (including the requirement to obtain a used oil transport permit from ADEM).

WHERE CAN I GET ADDITIONAL INFORMATION?

ADEM Website: <http://www.adem.alabama.gov>

USEPA Website: <http://www.epa.gov>

ADEM Administrative Code, Division 14: <http://www.adem.alabama.gov/alEnviroRegLaws/files/Division14.pdf>

ADEM Guidance Documents: <http://www.adem.alabama.gov/programs/land/guidanceReports.cnt>

ADEM Ombudsman (telephone): 1-800-533-ADEM (2336) or 1-334-279-3071

Hazardous Waste Compliance Inspectors (telephone): 1-334-271-7730