

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

00-056

Revised 07/2025

## Used Oil Collection Considerations

This guidance document has been produced by the Nebraska Department of Water, Energy, and Environment (DWEE) to provide basic information about used oil management practices for used oil collection programs. The regulations applying to this topic can be found in Nebraska [Title 128 – Hazardous Waste Regulations](#).

### Used Oil Collection

- Definition of used oil: 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. (Title 128, Chapter 1, §140)
  - New oil is never considered “used oil.”
  - Examples of substances that are considered used oil and meet the used oil exemption:
    - Spent oil from gasoline and diesel engines
    - Spent refrigerant lubricating oil
    - Spent lubricating oil from aircraft reciprocating and jet engines
    - Spent hydraulic fluid
    - Spent heat transfer fluids
    - Spent transmission fluid
    - Cutting oils
  - Examples of materials that are not used oil:
    - Spent antifreeze
    - Brake fluid
    - Solvents of any kind
    - Unused motor oil
- Used oil that exhibits one or more characteristics of hazardous waste but is recycled in some manner *other than being burned for energy recovery* is exempt from hazardous waste regulation.
- Used oil mixed with a *listed* hazardous waste is a hazardous waste. If used oil contains more than 1000 ppm of total halogens, it is presumed to be a hazardous waste on the assumption that it has been mixed with a halogenated hazardous waste listed in Title 128, Chapter 3, §013

through 016. This presumption may be rebutted. If a used oil collector accepts “rebutted presumption” used oil, we recommend that documentation be kept.

- A used oil generator or collector who gives or sells used oil directly to an off-specification used oil marketer is *not* a marketer of used oil (See page 3 for a discussion of off-specification used oil).
- Obtain documentation. Documentation from the off-specification used oil marketer must indicate what they do with the used oil. This documentation should provide confirmation that they do not burn the off-specification used oil for energy recovery themselves. This documentation is standard in the used oil industry.
- A collector of used oil is subject to the used oil marketer provisions of Title 128, Chapter 7, §010.04 if they provide that used oil directly to a person who burns used oil for energy recovery.
- The analysis requirement at Title 128, Chapter 7, §010.04B1 may be skipped if the collector/generator stipulates the oil does not meet specification.
- Used oil marketers must notify DWEE of that activity. This notification is done using State of Nebraska Form 8700-12, “RCRA Subtitle C Site Identification Form” commonly referred to as the “Notification of Hazardous Waste Activity 8700-12 Form.” This can be done electronically via <https://rcrainfo.epa.gov/>. See the DWEE Guidance Document titled “How to Apply for an EPA Hazardous Waste ID (EPA Site ID)” for more information on how to notify.
- Used oil marketers must use an invoice system. When the marketer initiates a shipment of off-specification used oil, the marketer must send the receiving facility an invoice that has an invoice number, the marketer’s DWEE ID #, the names and addresses of both the sending and receiving facilities, the quantity of the off-specification used oil, the date of shipment, and a statement that says “This used oil is subject to DWEE regulation under Title 128, Chapter 7”. A copy of the invoice must be kept for three years.
- The marketer must obtain certain written and signed notices from the used oil burner to document that the used oil is burned in a proper device. See Title 128, Chapter 7, §010.04B5.
- If the marketer claims the used oil meets specification, the marketer must keep copies of the analysis that proves such for three years, maintain a log with testing information, and provide a cross reference between the log and the used oil analysis.
- A person may market off-specification used oil only to burners or other marketers who have notified DWEE (or other authorized state agency/EPA) of used oil activities and who have a DWEE identification number.

## **Burning Used Oil**

- Used oil burned for energy recovery is subject to the requirements of Title 128, Chapter 7, §010.

This section includes:

- A prohibition against burning used oil mixed with hazardous waste, except under limited circumstances.
- A prohibition against burning *off-specification* used oil in a used oil-fired space heater, except under limited circumstances.

- Requirements for generators of used oil burned for energy recovery.
- Requirements for used oil marketers (see discussion below).
- Requirements for burners of used oil.
- Off-specification used oil is used oil that exceeds any one or more of the levels for the following:

Arsenic	5 ppm
Cadmium	2 ppm
Chromium	10 ppm
Lead	100 ppm
Flash Point	100° F (minimum)
Total Halogens	4,000 ppm

- Used oil that is a hazardous waste solely because it exhibits a characteristic of hazardous waste may be burned for energy recovery **if**:
  - It is not mixed with hazardous waste. This means the used oil may be a characteristic hazardous waste, but no additional hazardous waste may be added.

## OR

- The used oil contains hazardous waste generated **SOLELY** by a person subject to the requirements of a conditionally exempt small quantity generator (CESQG) of hazardous waste. A CESQG generates **220 pounds or less** of hazardous waste per month.

This means public utilities may burn used oil in their utility boilers for energy recovery if it is their own used oil or it is collected from: a) “do-it-yourself” (DIY) used oil generators; b) farmers who are CESQGs as well as DIY oil generators; c) other businesses who are CESQGs; and d) other businesses who generate hazardous waste above the CESQG level *only if it can be confirmed their used oil has not been mixed with hazardous waste*. If businesses that generate hazardous waste as small quantity generators (SQG) or large quantity generators (LQG) place hazardous waste in their used oil, their used oil is no longer regulated as used oil and must be managed as a hazardous waste.

- Off-specification used oil may be burned in oil-fired space heaters if the heater burns only used oil that the owner or operator generates, or used oil from do-it-yourself oil changers who generate the used oil as household waste. For example, a business that does oil changes can bring their own off-specification used oil to another of their facilities that has a used oil-fired space heater. That business cannot take that used oil to be burned at a different business in a used oil-fired space heater. Any of the above can burn do-it-yourself used oil but be prepared to prove the do-it-yourself oil is what it claims to be. See below for transportation related issues.
- Nebraska does not have any quantity limitations on used oil collection or transportation. A hazardous waste manifest is not required for transporting used oil in Nebraska. However, if the used oil is not being managed through an exemption, or if it has been mixed with hazardous waste, then a manifest may be needed. Transporters must comply with any appropriate Department of Transportation regulations. See the 49 CFR series. Collectors must comply with applicable State Fire Marshall requirements for storage of flammable and combustible materials.

## **HANDLING USED OIL AND HAZARDOUS MATERIALS**

### **Storage and Collection**

- Keep hazardous materials separate, properly labeled, and sealed in the recommended containers.
- Develop a system for monitoring incoming used oil. Locked collection ports can help prevent unwanted materials in your used oil.
- We recommend collection tanks have a clearly visible gauge that shows the level of product in the tank and overfill protection. Continued overfilling of used oil collection tanks has occurred when there was no indication the tank was actually full.
- Containers and aboveground tanks used to store used oil shall be in good condition (no severe rusting, apparent structural defects or deterioration (Title 128, Chapter 7, §009.04A1); and not leaking (with no signs of visible leaks) (Title 128, Chapter 7, §009.04A2).
- Containers and aboveground tanks (and other receptacles of used oil) with a volume of 25 gallons or greater, shall be labeled or marked clearly with the words "Used Oil" (Title 128, Chapter 7, §009.04A3).
- The Department recommends that storage or collection areas be covered. The storage or collection location may need to be fenced and locked if vandalism could be a problem.
- Cap, label, cover, and properly store above-ground outdoor liquid containers and small tanks within a bermed area and on a paved impermeable surface, if possible. This practice helps to prevent spills from running into surface or ground water.
- If possible, store materials under a roof or tarpaulin to protect them from the elements and to prevent contaminated runoff.

## **HOUSEKEEPING SUGGESTIONS**

### **Cleaning**

- Sweep regularly.
- Inspect hazardous materials storage or collection areas at least weekly to ensure there are no leaks or spills.
- Inspect equipment such as pumps, pipes, storage tanks, valves, and material handling equipment for signs of corrosion, support or foundation failure, or other deterioration.
- Promptly clean up spilled materials to prevent runoff, tracking, and spoilage of other materials.
- Stock cleaning and spill response materials where they are readily available.
- Post reminders of good housekeeping practices.
- Provide instruction on securing containers.

- Schedule housekeeping duties and inspections to ensure housekeeping is being performed.

## **Storage**

- Maintain adequate aisle space between containers to facilitate material transfer, easy access to materials, and inspections.
- Close used oil containers between filling or emptying events.
- Store containers, drums, and bags away from direct traffic routes to prevent accidental damage or spills.
- Organize materials neatly for storage.
- Store incompatible materials separately.
- Stack containers according to manufacturer's instructions to avoid damage to containers from improper weight distribution.
- Store containers on pallets or in containment devices to prevent corrosion of the containers by contact with moisture or other chemicals.

## **Training**

- Ensure employees can identify the toxic and hazardous substances that are stored, handled, used, and/or produced on site.
- Discuss the handling procedures required for materials that are stored, handled, or used on site.
- Post an up-to-date, easily visible hazardous communications display.
- Ensure that initial and refresher spill response training is conducted as needed.

## **RESPONDING TO SPILLS**

- Construct dikes around material storage areas to contain spills.
- Consider "spill drills."
- Contain and control leaks and spills as quickly as possible. Clean leaks and spills immediately using dry methods such as absorbent pads and wipes.
- Portable absorbent booms should be readily available for quick response where surface water impact is possible.

- Use dry absorbent materials such as “kitty” litter or organic-based absorbents to absorb oil and grease on dry surfaces.
- Consider having “oil only” absorbents on hand for absorbing any oils that may contaminate water in puddles, ponds, ditches, etc.
- Dispose of used absorbent, pads, and wipes properly; some may be hazardous waste.  
Note: Used “oil only” absorbent pads and socks can often be reused.
- Report used oil spills per Title 126 - Rules and Regulations Pertaining to the Management of Wastes, Chapter 18, “Releases of Oil or Hazardous Substances.”

## **REFERENCES:**

- DWEE Home Page <https://dwee.nebraska.gov/>

## **Contacts:**

- DWEE Main Number (402) 471-2186
- DWEE Toll Free Number (877) 253-2603
- Nebraska State Patrol After Hours (402) 479-4921
- DWEE Hazardous Waste Compliance Assistance (402) 471-8308
- Email questions to: [DWEE.moreinfo@nebraska.gov](mailto:DWEE.moreinfo@nebraska.gov)

## **DWEE Publications:**

- Environmental Guidance Document – “Used Oil and Filters Management”
- Environmental Guidance Document – “How to Apply for an EPA Hazardous Waste ID (EPA Site ID)”  
*Guidance documents are available on the DWEE website by clicking “Visit Nebraska Department of Environment and Energy (DEE),” selecting “Forms,” and “Publications, Grants & Forms.”*
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)  
*Titles are available on the DWEE website by clicking “Visit Nebraska Department of Environment and Energy (DEE),” selecting “Resources and Services,” “Laws & Regulations,” and “Rules & Regulations.”*

---

*Produced by: Nebraska Department of Water, Energy, and Environment, 245 Fallbrook Blvd. Ste.100, Lincoln, NE 68521; (402) 471-2186. To view this and other information related to our agency, visit our website at <https://dwee.nebraska.gov/>.*