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Used Oil & Oil Filter Management

This guidance document has been produced by the Nebraska Department of Water, Energy, and Environment (DWEE) to outline requirements for used oil generators that can be found in Nebraska [Title 128 – Hazardous Waste Regulations](#). Used oil containing more than 50 ppm polychlorinated biphenyls (PCBs) falls under the Toxic Substances Control Act (TSCA) and is regulated by the Environmental Protection Agency (EPA). Used oil that is recycled in a manner other than being burned for energy recovery is exempt from hazardous waste regulations.

It is illegal to dispose of used oil as municipal waste or in a landfill. The use of used oil, waste oil, or any other material that is contaminated with dioxin or any other hazardous waste for dust suppression or road treatment is prohibited according to Title 128, Chapter 7, [§007.04B-C](#). Acceptable alternatives for dust suppression include calcium chloride, lignosulfonates, and magnesium chloride.

Title 128, Chapter 1, [§147](#) defines used oil as “any oil which has been refined from crude oil, or any synthetic oil, which has been used and as a result of use, is contaminated with physical or chemical impurities.” This definition covers most oils that are used as lubricants, coolants, emulsions, or for similar purposes that are likely to become contaminated through use. Examples of used oil include:

- Compressor oils
- Coolants
- Copper and aluminum wire drawing solutions
- Electrical insulating oil
- Emulsions used as lubricants
- Engine oil
- Heating media
- Industrial hydraulic fluid and process oils
- Metal-working fluids and cutting oils
- Mineral oil
- Refrigeration oil
- Synthetic oil
- Transmission fluid
- Used oil residues or sludges resulting from the storage, processing, or re-refining of used oils when recycled by burning for energy recovery

Used oil and waste oil are not interchangeable terms. Waste oil or oily waste often does not meet the definition of used oil. Examples of materials that do not qualify as used oil include:

- Animal fats and vegetable oils
- Antifreeze
- Brake fluid
- Fuels such as gasoline and fuel oils
- Kerosene
- Petroleum distillates used as solvents to solubilize or mobilize, and solvents manufactured from synthetic materials

- Petroleum-based products that are not used as lubricating agents or in other protective applications
- Test and calibration fluids
- Two cycle fuel
- Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products
- Waste oil resulting from the cleanout of fuel storage tank bottoms, spills of virgin fuel oils, or other oil wastes that have not been use

Household Used Oil

Place used oil in a clean plastic container with a tight lid and do not mix any other material into the used oil. Keep used oil out of storm drains, trash receptacles, landfills, empty lots, waterways, and groundwater. Households have the following options for managing used oil:

- Give used oil to service stations or used oil collection centers for recycling
- Take to a household hazardous waste collection event or drop-off site. Not all locations or events will accept used oil. Some landfills have oil collection areas for households.
- Burn their own used oil or used oil from other households in space heaters designed to burn used oil
- Give used oil to other households, farmers or businesses for burning in space heaters designed to burn used oil

Used Oil from Farms and Ranches

Farms and ranches are subject to the same regulations as businesses and have the following options:

- Recycle used oil through a used oil collector who takes it to a used oil processor
- Give away or sell on and off-specification used oil to a used oil marketer
- Burn their own used oil or used oil received from households on-site in approved space heaters. They can also burn used oil from other businesses only if the used oil meets the requirements of “specification used oil” and if the used oil marketer regulations are met.
- Give used oil to a burner to burn on-site in an approved space heater only if the used oil is “specification used oil”
- Give off-specification used oil to a burner or burn in an industrial furnace, industrial boiler or utility boiler

Materials Contaminated with Used Oil

Materials that have had used oil properly drained or removed to the point of no visible signs of free-flowing oil in or on the material are not regulated as used oil and will be managed in accordance with Nebraska [Title 132 – Integrated Solid Waste Management Regulations](#) if they are not hazardous. These materials may be taken to a permitted municipal solid waste landfill. The used oil that is drained from the contaminated material will be managed as used oil. If the oil-contaminated materials are burned for energy recovery, they will be managed as used oil.

Used Oil Filters

Used oil filters are exempt from hazardous waste regulation except for terne-plated oil filters under Title 128, Chapter 2, §009.12 because they often fail the toxicity characteristic test for lead due to the alloy used to coat the filters. For the exemption to apply, generators must drain the filters using one of the following hot-draining methods:

- Puncture the filter anti-drain back valve or the filter dome end and hot-drain
- Hot-drain and crush
- Dismantle and hot-drain
- Any other equivalent hot-draining method that will remove used oil

Hot-draining refers to an oil filter being drained near engine operating temperature and above room temperature. Once the oil is removed, recycle the oil filter as scrap metal and recycle the recovered used oil. If a recycler cannot be found for the oil filters, they may be disposed of in a permitted municipal solid waste landfill.

Storage of Used Oil for Businesses

- Containers and aboveground tanks must be in good condition with no severe rusting, structural defects, or deterioration and must not visibly leak
- Containers and aboveground tanks that are 25 gallons or more must be labeled or clearly marked with the words "Used Oil"
- Containers and aboveground tanks should be stored on an impermeable surface such as cement or asphalt with secondary containment structures such as berms or ditches
- Used oil should never be mixed with hazardous wastes or substances
- Contact the local fire department for additional codes or ordinances

Leaks should be stopped when noticed and any spilled oil cleaned up. Any spills of 25 gallons or more must be reported and spills of any amount to a waterway must be reported to DWEE Petroleum Remediation. More information can be found in the Resources section at the end of this document.

Used Oil Burned for Energy Recovery

The burning of used oil by businesses in space heaters designed to burn used oil is allowed provided that the business only burns the used oil that they generate themselves or used oil that is generated and collected from households. Facilities that burn used oil in industrial furnaces and utility boilers must comply with Nebraska [Title 129 – Air Quality Regulations](#).

Specification used oil is used oil that has been laboratory tested, and analysis demonstrates that contaminants meet the following specifications found in Title 128, Chapter 7, §010.01:

Constituent/Property	Maximum Allowable Level
Arsenic	5 ppm
Cadmium	2 ppm

Chromium	10 ppm
Lead	100 ppm
Flash Point	100°F
Total Halogens	4,000 ppm

The specification does not apply to mixtures of used oil and hazardous waste which is considered hazardous waste. Burners of specification oil must:

- Apply for an EPA ID using EPA Form 8700-12 on the RCRAInfo website. This applies if they are the first to claim that the used oil meets specification and the burner receives the used oil from a marketer
- Obtain documentation of laboratory analysis stating that the used oil meets specification and keep record of the analysis for three years
- Obtain documentation of laboratory analysis stating that the used oil meets specification if the burner claims that the used oil meets specification through processing, blending, or another treatment method, unless they are burning their own used oil in their own space heater

Off-specification used oil is used oil that has not been tested or used oil that exceeds any of the maximum allowable levels of constituents listed in the table above. Burners of off-specification used oil that they do not generate themselves must:

- Apply for an EPA ID using EPA Form 8700-12 on the RCRAInfo website to notify of used oil activities
- Obtain a one-time written and signed certification that the burner has notified DWEE of used oil activities and will only burn the used oil in an industrial furnace, industrial boiler, or utility boiler
- Keep a copy of each invoice of used oil received from used oil marketers for three years
- Keep a copy of each certification notice sent to used oil marketers for three years from the date of last receiving off-specification used oil from the marketer

The burning of off-specification in approved space heaters is allowed if the heater burns only used oil that the owner or operator generates or collects from households, the maximum capacity of the heater is not more than 0.5 million BTUs per hour, the combustion gases are vented to outside air, and the opacity of emissions from the heater are less than 20%.

Marketers of Used Oil

A marketer of used oil is any generator, except for households, that are selling or giving used oil directly to someone who burns used oil.

Marketers of specification used oil must:

- Apply for an EPA ID using EPA Form 8700-12 on the RCRAInfo website to notify of used oil activities
- Obtain documentation of laboratory analysis that proves the used oil meets specification and keep documentation for three years

- Keep an operating log for three years that records the name and address of the facility sending or receiving the shipment, the quantity of used oil delivered or received, the date of shipment or delivery, and a cross reference to the analysis showing that the oil meets specification

Marketers of off-specification used oil must:

- Apply for an EPA ID using EPA Form 8700-12 on the RCRAInfo website to notify of used oil activities
- Complete an invoice for each used oil shipment and send it to the receiving facility
- Keep a copy of each invoice sent or received for three years from the date the invoice is received or prepared
- Keep a copy of each certification notice received or sent for three years from the date of the last used oil marketing transaction
- Provide a one-time written and signed certification that the burner or marketer has notified DWEE of used oil activities and that the burner will only burn the used oil in an industrial furnace, industrial boiler, or utility boiler

Transporting Used Oil

Transporters of used oil are not subject to regulation under Title 128 but must comply with all applicable Department of Transportation (DOT) regulations. Transporters of used oil that has been mixed or contaminated with hazardous waste are subject to hazardous waste transporter requirements found in Title 128, Chapter 11. Transporters should track all incoming and outgoing used oil. Local building or fire code regulatory agencies must be notified.

Notification Requirements

Individuals who need to notify DWEE of used oil activities include:

- Generators who market used oil directly to a burner of used oil
- The business that first claims that the oil meets specification
- Burners of off-specification used oil
- Marketers of off-specification used oil even if they already have an identification number for other purposes and must also notify as a used oil fuel marketer. Their DWEE/EPA ID number will remain the same

Individuals who do not need to notify DWEE of used oil activities include:

- Households
- Burners who burn specification oil that they generate themselves
- Burners who receive oil from marketers who first claimed that the oil first meets specification
- Burners who burn used oil in space heaters that comply with Titles 128 and 129
- Generators who give used oil to an “intermediary” (someone who then gives the used oil to a burner)

RESOURCES:

- DWEE Home Page <https://dwee.nebraska.gov/>
- DWEE Petroleum Remediation Page <https://dee.nebraska.gov/land-waste/petroleum-remediation/petroleum-surface-spills>
- EPA PCBs Web Page <https://www.epa.gov/pcbs/>
- NEDOT Home Page <https://dot.nebraska.gov/>
- RCRAInfo Website <https://rcrainfo.epa.gov/>

Contacts:

- DWEE Main Number (402) 471-2186
- DWEE Toll Free Number (877) 253-2603
- DWEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: DWEE.moreinfo@nebraska.gov

DWEE Publications:

- [Title 126 – Nebraska Rules and Regulations Pertaining to Management of Waste](#)
 - [Title 128 – Nebraska Hazardous Waste Regulations](#)
 - [Title 129 – Nebraska Air Quality Regulations](#)
 - [Title 132 – Nebraska 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/>.