

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.

09-013

revised February, 2021

Oil for Dust Suppression and Other Oil-Based Applications

This Environmental Guidance Document explains that applying oil or used oil to the land for dust suppression is **not** allowed. The department does **not** allow oil or used oil to be used for this purpose and suggests alternative uses or proper disposal. This information supersedes previous guidance provided prior to September 2009 by the NDEE regarding used oil as dust suppressant.

- [Title 126 Rules and Regulations Pertaining to Management of Waste](#), Chapter 18, §001.01 states that “No person shall release, cause to be released or allow the release of an oil or hazardous substance or residuary products thereof, into, or upon the waters or land of the state, except in quantities, and at times and locations, or under circumstances and conditions as the department approves.”
 - The department approves the use of asphaltic products for road and parking lot construction or repair using generally accepted engineering practices for such uses.
 - The department approves the use of oil-based pesticides applied under Federal Insecticide, Fungicide, and Rodenticide Act regulations promulgated in the 40 Code of Federal Regulations, the Nebraska Pesticide Act, and Nebraska Administrative Code, Title 25 - Department of Agriculture Bureau of Plant Industry, Chapter 2 - Pesticide Regulations.
- The department does not approve and will not consider approving any request to employ oil or used oil as a dust suppressant applied to the land in Nebraska. The Director does not waive any of his authority under the emergency provisions of Nebraska statutes and environmental regulations.

Can a private individual or business spray used motor oil on his or her own property to control dust? Could this individual spray used motor oil on roads bordering his property?

- No, See above.

How about government agencies and farmers?

- Farmers, ranchers, cities, state agencies, towns, etc. are not considered different than private individuals and businesses with regard to used oil applied to the land for dust suppression. See above.

While the department does not allow using oil or used oil for dust suppression purposes, the department certainly encourages the recycling of used oil to the extent possible.

Alternatives to oil or used oil as a dust suppressant include fresh water, and commercially available chloride compounds, lignin derivatives, and resinous emulsions.

RESOURCES:

- NDEE Home Page <http://dee.ne.gov/>

Contacts:

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

NDEE Publications:

- Guidance Document – Used Oil and Used Oil Filter Management
Guidance Documents are available on the NDEE Home Page under “Publications & Forms”
- [Title 126 – Rules and Regulations Pertaining to Management of Waste](#)
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)
Titles are available on the NDEE Home Page under “Laws & Regulations”

Produced by: Nebraska Department of Environment and Energy, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at <http://dee.ne.gov>.