

CHAPTER 119
USED OIL AND USED OIL FILTERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

567—119.1(455D,455B) Authority, purpose, and applicability.

119.1(1) Authority. Pursuant to Iowa Code sections 455D.7(1), 455D.6(6), and 455B.304, the environmental protection commission is given the authority to adopt rules regulating the disposal, collection, recycling and reuse of used oil and used oil filters.

119.1(2) Purpose. The purpose of these rules is to protect the public health and the environment by regulating the disposal and collection of used oil and used oil filters and to promote the reuse and recycling of used oil and used oil filters.

119.1(3) Applicability. The provisions of this chapter apply to oil retailers, oil filter retailers, sanitary disposal project permittees, persons involved in the collection of used oil, and persons involved in the generation or collection of used oil filters.

567—119.2(455D,455B) Definitions. The following definitions apply to the provisions of this chapter:

“Contaminated” means used oil mixed with hazardous waste as defined by the resource conservation and recovery Act or with incompatible wastes including, but not limited to: antifreeze, solvents, paints, pesticides, or household hazardous materials. Minimal amounts of vehicle fuel shall not be considered an incompatible waste.

“Customer” means any individual who purchases oil or oil filters or generates used oil or used oil filters for personal or family purposes, including a farmer or a farm household.

“Department” means the department of natural resources.

“Retailer” means a person offering for sale or selling a petroleum-based or synthetic oil or oil filter to the ultimate consumer or user of the product, as an over-the-counter product or whereby the consumer is charged separately for the oil or oil filter when coupled with a service.

“Tank” means a closable stationary or mobile device designed to contain an accumulation of used oil and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

“Used oil” means any petroleum-based or synthetic oil which through its use, storage, or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities. Used oil includes, but is not limited to, the following:

1. Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine.
2. Spent industrial oils, including compressor, turbine, bearing, hydraulic, metalworking, electrical, and refrigerator oils.

Used oil does not include oil which has been contaminated or contains PCBs of 5ppm or greater.

“Used oil collection site” means any commercial, municipal, or nonprofit establishment or operation which has a used oil collection tank on the premises, and accepts used oil for temporary storage prior to the recycling of that which is collected.

“Used oil collector” means any sanitary landfill operator, sanitary disposal project operator, oil retailer, or other individual who operates a used oil collection site.

“Used oil filter” means a filter that removes impurities from the oil used to lubricate an internal combustion engine and has been used for its intended purpose.

“Used oil filter recycling” means the preparation of used oil filters for steel recovery.

“Used oil recycling” means the preparation of used oil for reuse as a petroleum product by rerefining, reprocessing, reclaiming, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all federal and state laws.

567—119.3(455D,455B) Prohibited disposal.

119.3(1) Used oil shall not be accepted for final disposal at any sanitary landfill. However, a sanitary landfill or sanitary disposal project, as defined in Iowa Code section 455B.301, may accept used oil for temporary storage or collection if the ultimate disposition of the oil is for recycling or reuse. All necessary permits or permit conditions must be obtained prior to the storage or collection of used oil at these landfills and projects.

119.3(2) A business that generates used oil filters or accepts used oil filters from a person shall not dispose of the used oil filters in a sanitary landfill and shall source separate and recycle the used oil filters.

567—119.4(455D,455B) Operational requirements for acceptance of used oil. Any person accepting used oil from customers shall comply with the following requirements:

119.4(1) Used oil shall be accepted which is contained in a closed, unbreakable, preferably reusable, container.

119.4(2) Used oil collectors shall provide supervision of the collection process to minimize the risk of spills and to prevent customers from depositing contaminated used oil into the collection tank. However, this does not preclude designating unsupervised drop-off sites for used oil as long as the following conditions are met:

- a. Only sealed containers of five gallons or less shall be accepted.
- b. The designated drop-off site must be protected from the elements.
- c. Customers shall drop off their used oil in containers at the designated site and are not permitted to deposit their used oil into a collection tank.
- d. The designated site must be located on an impervious surface engineered to contain potential spills.

119.4(3) During noncollection hours, the tank must be secured to prevent the contamination of the collected used oil.

119.4(4) A sign shall be placed on or near the used oil collection tank which includes the statement: This tank is for used oil collection only. The depositing of other materials is prohibited.

119.4(5) Collectors of used oil shall ensure that the ultimate disposition of used oil collected is for recycling and reuse.

119.4(6) Used oil found to be contaminated shall be managed as a hazardous waste. There is no obligation to accept contaminated oil.

119.4(7) Used oil collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

119.4(8) Absorbent material shall be available at the site for use by the operator to control spillage or discharge of used oil.

567—119.5(455D,455B) Operational requirements for acceptance of used oil filters. Any person accepting used oil filters from customers shall comply with the following requirements:

119.5(1) The used oil filters shall be collected, stored and transported in a container designed and maintained to prevent the spillage or discharge of used oil from the filters.

119.5(2) The collection container shall be located on an impervious surface engineered to contain spills.

119.5(3) The collection container shall be protected from inclement weather.

119.5(4) The collection container shall be clearly labeled “used oil filters.”

119.5(5) Used oil filter collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

119.5(6) Absorbent material shall be available at the site for use by the operator to control spillage or discharge of used oil from the used oil filters.

567—119.6(455D,455B) Oil retailer requirements. In addition to the requirements set forth in rules 567—119.4(455D,455B) and 567—119.5(455D,455B) relating to used oil and used oil filter collection, used oil retailers also shall comply with the following:

119.6(1) A durable, legible sign at least 8½" by 11" in size shall be placed near the point of sale which contains the following:

- a. Language informing the customer that it is unlawful to dispose of used oil at a sanitary landfill, and that the customer should return used oil to used oil collection sites for recycling and reuse;
- b. The language "RECYCLE USED OIL" in bold lettering;
- c. A list of the benefits from recycling used oil including, but not limited to, "conserves energy, reuses limited resources, and protects Iowa's drinking water";
- d. The language "used oil is a household hazardous material" and the household hazardous materials program symbol, at least 2 inches in length, as shown below;



e. The warning that the disposal of used oil in a landfill or its deposit or discharge into any state waterway is unlawful;

f. The name, address and location of at least one used oil collection site located within the county in which the retailer is located. If there is more than one used oil collection site located in the county, then the nearest collection site shall be listed on the posted sign.

119.6(2) Retailers may obtain the required signs upon request from the department. Retailers choosing to develop and post their own signs must obtain a variance from the departmental rules. Signs must be at least 8½" by 11" in size and contain the information stipulated above. To request a variance, retailers should forward to the department for review the sign they wish to substitute for the departmental sign.

119.6(3) Retailers are not required to collect used oil generated by commercial or municipal establishments.

119.6(4) Used oil shall be accepted during normal business hours.

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567—119.7(455D,455B) Oil filter retailer requirements. In addition to the requirements set forth in rules 567—119.4(455D,455B) to 567—119.6(455D,455B) relating to used oil and used oil filter collection, oil filter retailers also shall comply with the following:

119.7(1) A durable, legible sign at least 8½" by 11" in size shall be placed near the point of sale which contains the following:

- a. The language "RECYCLE USED OIL FILTERS" in bold lettering;
- b. A list of the benefits from recycling used oil filters including, but not limited to, "conserves energy, reuses limited resources, and protects Iowa's drinking water";
- c. The language "used oil filters are a household hazardous material" and the household hazardous materials program symbol, at least 2 inches in length, as shown below;



d. The name, address and location of at least one used oil filter collection site located within the county in which the retailer is located. If there is more than one used oil filter collection site located in the county, then the nearest collection site shall be listed on the posted sign.

119.7(2) Retailers who choose to collect used oil filters shall accept used oil filters generated by residential households or farmers, but are not required to collect used oil filters generated by commercial or municipal establishments.

119.7(3) Used oil filters shall be accepted during normal business hours.

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567—119.8(455D,455B) Tanks.

119.8(1) *Aboveground.* In addition to the requirements imposed by the office of the state fire marshal, the following standards are applicable to aboveground used oil collection tanks:

a. The tank shall be of sufficient size to handle the projected quantities of used oil to be returned to this specific collection site.

b. The tank shall be designed and maintained to prevent the spillage or discharge of used oil. Tanks must be set upon an impermeable surface engineered to contain potential spills.

c. Absorbent material shall be available at the tank site for use by the operator to control used oil spillage or discharge.

d. The tank shall have a level gauge or some other adequate means for checking the oil level within the tank.

e. The tank shall be constructed in accordance with American Petroleum Institute specifications and standards.

119.8(2) *Underground.* Underground storage tanks used to collect or store used oil shall comply with the standards in part 8 of division IV of Iowa Code chapter 455B, entitled “Underground Storage Tanks,” and the promulgated rules, Iowa Administrative Code, 567—Chapters 135 and 136.

567—119.9(455D,455B) Locating collection sites. If the retailer is unaware of any locations within the county where used oil or used oil filters are being accepted from customers, the retailer shall contact the department to determine if a collection site is located in the county. If no collection site is currently available in the county, the retailer shall accept used oil and used oil filters from customers.

These rules are intended to implement Iowa Code sections 455D.6(6) and 455D.13 and chapter 455B, division IV, part 1.

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