



## USED OIL RELEASE RESPONSE GUIDE

North Dakota Department of Environmental Quality - Division of Waste Management  
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### Used Oil Release Response Guide

North Dakota Hazardous Waste Management Rules govern the management of used oil. In particular, the response to the release of used oil is detailed in Section 33.1-24-05-622(4) NDAC, which states:

Upon detection of a release of used oil to the environment not subject to the requirements of chapter 33.1-24-08, sections 33.1-24-08-50 through 33.1-24-08-59, a generator must perform the following clean-up steps:

- a. Stop the release;
- b. Contain the released used oil;
- c. Clean-up and manage properly the released used oil and other materials;  
and
- d. If necessary, to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Used oil that is sent for disposal rather than recycling is a solid waste that must undergo the same solid/hazardous waste determination as any other solid waste (see Section 33.1-24-05-622 NDAC). If the used oil sent for disposal exhibits any of the characteristics of a hazardous waste, then it must be disposed of as a hazardous waste.

If there is a release of used oil, follow these steps:

1. All used oil releases to the environment must be reported to the North Dakota Department of Environmental Quality (NDDEQ) regardless of size or amount. Used oil releases are reported online using the "General Incident Reporting Form". The form and information on how to complete it are located at: [https://deq.nd.gov/WQ/4\\_Spill\\_Investigations/IncidentReporting.aspx](https://deq.nd.gov/WQ/4_Spill_Investigations/IncidentReporting.aspx)
  - a. Once an incident has been submitted, a representative of the NDDEQ will reach out to you to provide guidance and assistance.
  - b. The NDDEQ staff member will assist with all aspects of the remediation. While this guide serves as an acceptable summary tool, the NDDEQ will explain the specific requirements for an incident at your facility.
2. If needed, keep the spill from spreading horizontally by berming with clay or using commercially available products to contain the spill. It would be wise to have a spill kit assembled that takes into consideration the needs of your activities and the volume of used oil generated by your activities.

3. Recover as much free liquids as possible. Recovered liquids that can't be reused or recycled must be stored in a closed container and shipped to a permitted facility within 90 days of being generated for further treatment, storage or disposal. Unless recycled, the recovered used oil may be classified as a characteristic hazardous waste for toxicity or a listed waste based on appropriate testing. Used oil containing greater than 2 mg/kg polychlorinated biphenyls (PCBs) can only be burned in a permitted incinerator. Incomplete combustion of PCBs can produce toxic vapors.
4. Clean-up all visibly contaminated hard (i.e. concrete, pavement, etc.) surfaces using floor dry or absorbents.

Remove as much of the free-flowing used oil on rags or other sorbent materials from cleaning up a release. Extraction devices (e.g., centrifuges, wringers, and compactors) can be used to recover used oil from reusable sorbent materials. Sorbent pads can be reused between two and eight times, depending on the viscosity of the used oil. Once the free-flowing used oil has been removed from these materials, they are not considered used oil and may be managed as solid waste as long as they do not exhibit a hazardous waste characteristic. However, materials from which used oil has been removed continue to be regulated as used oil if they are to be burned for energy recovery (regardless of the degree of removal).

5. Excavate all visibly contaminated soil and debris and place the waste in a hard container (preferably metal or plastic) free of any cracks or holes through which liquids or debris could escape.

Determine if free liquids are present in the waste by using Method 9095 (paint filter test) from Publication SW-846 of the U.S. Environmental Protection Agency (EPA). Note: If a minimal amount of free liquids are present, a non-hazardous absorbent may be added to the excavated waste.

6. The size and type of used oil spill will dictate what actions to take regarding waste disposal.

A. If the waste does not contain any free liquids or other hazardous waste:

- i. Contact a permitted special waste or municipal waste landfill for acceptance for disposal and/or land treatment.
- ii. Contact a permitted waste hauler to dispose of the waste at a permitted special or municipal waste landfill. Approval from the landfill will be required, and be sure to retain documentation of the waste acceptance.

Alternatively, you may transport your waste to the appropriate landfill. However, be sure that any materials transported are done so in a safe manner – there have been incidents where used oil containers have fallen from the back of trucks causing additional issues.

- iii. Maintain a file that contains all paperwork associated with the release and clean-up efforts. Examples of documents that may be generated include disposal receipts, sample analysis, clean-up reports, or others. This file must be maintained for a minimum of three (3) years. An NDDEQ representative will need to review this folder before an incident may be closed.
- B. If the recovered material contains free liquids, and the used oil source contains (or has the potential to contain) other wastes, the wastes must be analyzed by a certified laboratory. A sample of the wastes must be collected and analyzed to determine if it exhibits any hazardous waste characteristics.
- i. If the wastes exhibit hazardous waste characteristics, then they must be disposed of in accordance with all applicable hazardous waste management rules.
  - ii. If the wastes are determined to not exhibit hazardous waste characteristics, then the material must be disposed of in accordance with all solid waste management rules (see Part A).
- C. Soil contaminated with hydraulic oil should be analyzed to demonstrate that it does not contain polychlorinated biphenyls (PCBs) greater than 2 mg/kg. Some equipment may be marked indicating the PCB content of the oils. If you are unsure of the PCB content, it must be tested.

Petroleum contaminated soil containing greater than 2 mg/kg PCBs must be sent to an approved landfill or incinerator.

- 7. If laboratory analyses show that no regulatory limit is exceeded, the waste does not contain solvents, other hazardous waste, free liquids, and is not ignitable, you may dispose of it at a permitted special waste or municipal waste landfill after obtaining approval from the NDDEQ.
- 8. Following removal of impacted materials, the soil should be sampled for halogenated volatiles, benzene, toluene, ethyl benzene, xylenes (BTEX), total petroleum hydrocarbons (TPH) in the oil and grease organics range, polynuclear aromatic hydrocarbons (PAHs) on the sample having the highest total petroleum hydrocarbon (Oil & Grease) value, and polychlorinated biphenyls (PCBs), if appropriate.

Submit the laboratory analysis of all samples to the NDDEQ. The NDDEQ will review the analysis to determine if remediation has been completed.

9. Finding a suitable disposal facility. There are a number of facilities in North Dakota that accept industrial waste. On the NDDEQ website is a list of facilities in the state <https://deq.nd.gov/WM/Publications.aspx>. Make sure to have your lab results for the landfill where the used oil waste is to be brought. Keep in mind that all landfills in the state have a right to refuse any load brought to them.
10. Maintain a file of the actions taken to clean-up your spill. Some examples would be pictures of the spill, pictures of the excavation once clean-up has been implemented, pictures after the excavation has been filled with clean fill, receipts from the landfill where the waste is taken, bills of lading from the transport company, and the report generated by the contractor if you elect to hire one. Keep pictures and lab analysis for three years. This information will be used by the state to decide if appropriate clean-up has occurred or if additional confirmation sampling is needed to confirm whether further action is needed or not.

The following links contain useful information for responding to environmental releases:

Investigations of Contaminant Release Sites

<https://deq.nd.gov/publications/wm/InvestigationsOfContaminantReleaseSites.pdf>

Environmental Site Investigation Report

<https://deq.nd.gov/publications/wm/EnvironmentalSiteInvestigationReport.pdf>

UST Information: Clean-up Action Levels for Gasoline and Other Petroleum Hydrocarbons

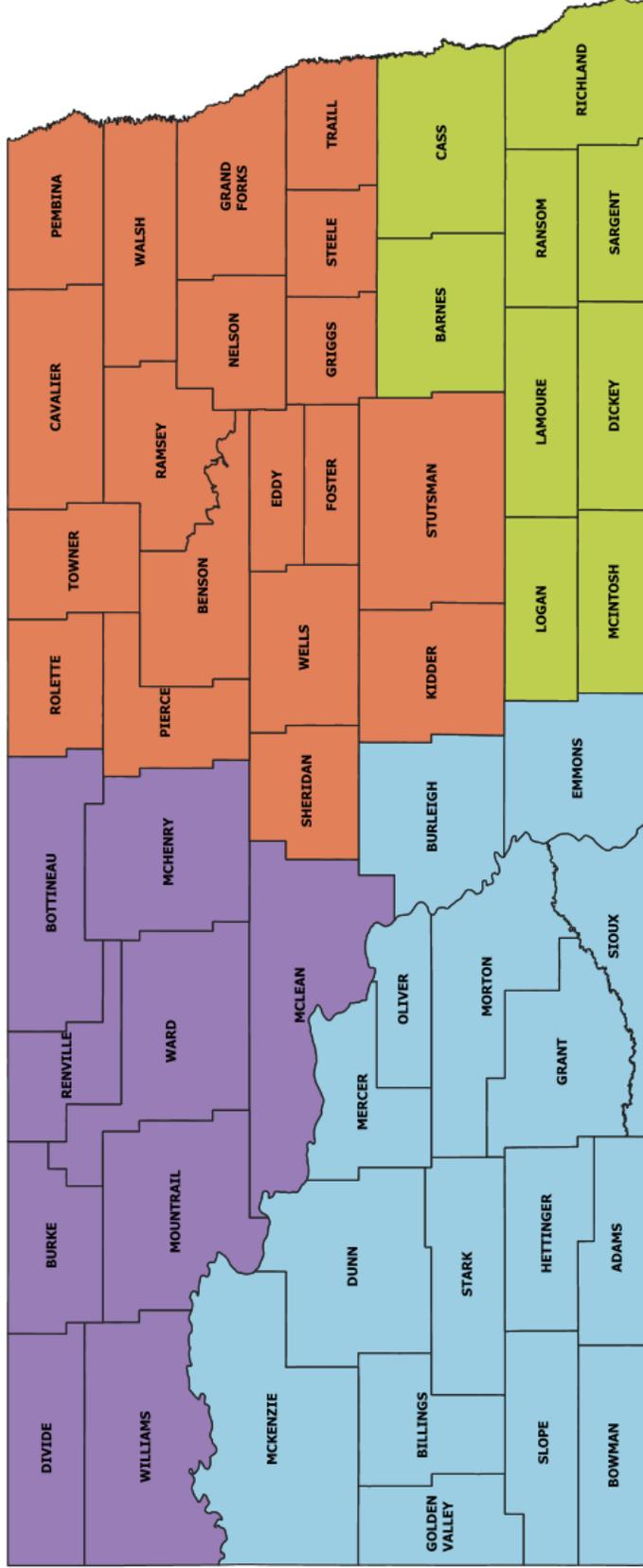
<https://deq.nd.gov/publications/wm/Clean-upActionLevelsForGasolineAndOtherPetroleumHydrocarbons.pdf>

If you have questions or comments, please contact the hazardous waste inspector for your county (attached map). You may also call the Division of Waste Management for general questions.

**North Dakota Department of Environmental Quality  
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# Hazardous Waste Management Regions

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